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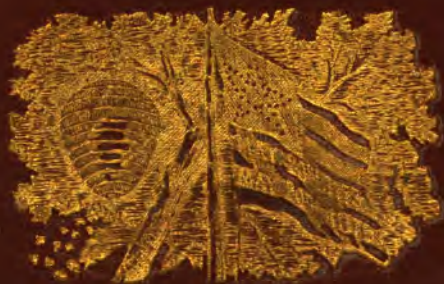
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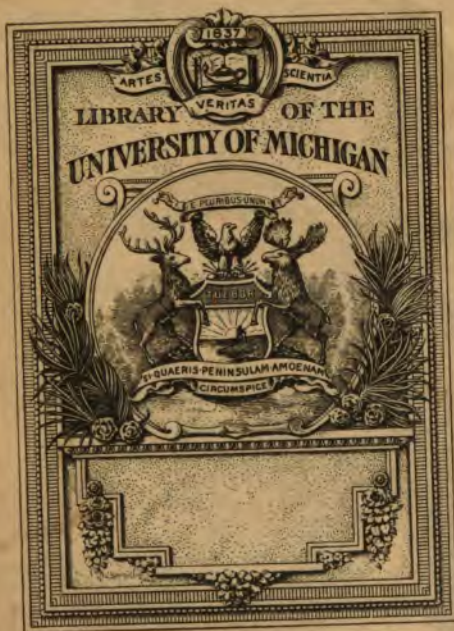
W. Graham's Address.

MECKLENBURG



CENTENNIAL

E. O. HALEY & SON,  
NEW YORK.





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THE ADDRESS  
OF THE  
HON. WM. A. <sup>Alexander</sup> GRAHAM

ON THE  
Mecklenburg Declaration of Independence

OF THE  
20TH OF MAY, 1775.

DELIVERED AT CHARLOTTE, ON THE 4TH DAY OF FEB'Y, 1875, BY REQUEST  
OF THE CITIZENS OF MECKLENBURG COUNTY. WITH ACCOMPANYING  
DOCUMENTS, INCLUDING THOSE PUBLISHED BY ORDER OF THE  
LEGISLATURE OF NORTH CAROLINA IN THE YEAR 1831.

PUBLISHED BY ORDER OF THE CENTRAL EXECUTIVE COMMITTEE OF THE  
CENTENNIAL AND MONUMENTAL ASSOCIATION.

NEW YORK:  
E. J. HALE & SON, PUBLISHERS,  
MURRAY STREET.  
1875.



Entered according to Act of Congress, in the year 1875, by  
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# DECLARATION OF INDEPENDENCE

BY THE COMMITTEE OF THE PEOPLE OF

MECKLENBURG COUNTY, N. C.,

ON THE

TWENTIETH OF MAY, 1775.

Viewed in the light of History, American and English, Congressional and Provincial, with observations on the characters of the chief witnesses who testified of it, as known to the writer from personal acquaintance, or their reputation among their contemporaries.

## A MEMORIAL ADDRESS

At a Mass Meeting in Charlotte, Feb. 4th, 1875, preparatory to its Centennial Celebration.

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BY WM. A. GRAHAM.

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I ESTEEM it the duty of some one who has had opportunities of acquaintance with the Revolutionary history of the State, and this a fit occasion, to vindicate the authenticity of the Declaration of Independence by the delegates of the people of the County of Mecklenburg on the 20th of May, 1775, against the attempts recently made to bring it into discredit. With some recollections of the discussion of this topic, running back more than half a century, I have taken no part in it heretofore. The event occurred (as I believe it did occur) in the immediate vicinity of the residence of the families from which I am descended. Several of my near relatives, including my Father, when it was called in question soon after its publication in the gazettes of 1819-20, gave their

testimony as witnesses who had been personally present at the transaction, with references to some of the circumstances of the occasion, as well as to precedent and subsequent events. I deemed it proper not to participate in the controversy as to the credibility of this testimony while these witnesses were alive—the more especially as I thought the claim on the part of Mecklenburg well sustained by others. But those who championed the cause of the State (for it has been made a State matter) have all passed away—Martin, Jo. Seawell Jones, Foote, Hawks, are no longer among the living. The witnesses to whom I have alluded, and those others whose evidence was then taken, their comrades and neighbors, with whom they had passed through the fiery trials of the war which ensued, are all likewise dead. We may now speak of them without flattery, and, I trust, without vanity. If my connection with some of them shall induce a suspicion of bias on the one hand, unfavorable to impartial consideration, I hope it will be conceded on the other that it gave me opportunities of information in respect to their traditions, and to public opinion in the region of this occurrence, as far back as my memory extends, not accessible to strangers, and not possessed by many now surviving. I had preferred that the duty of this vindication should have been undertaken by other hands, but on consultation with the Hunters, Brevards, Polks, Alexanders, and others, whose ancestors were either actors in or witnesses of the event in question, though they felt that injustice had been done by the publications

referred to, and desired that the truth of history, as we understood it in the State, should be asserted, they were unprepared for the discussion. Of twenty copies of the publication, by order of the Legislature in 1830, of the evidence in relation to the Mecklenburg Declaration, directed to be deposited in the State Library, but one remains. Of the local newspapers, the *Western Carolinian*, established at Salisbury in 1820, and the *Yadkin and Catawba Journal*, and *Miners and Farmers' Journal*, published in Charlotte at a later period, which may contain articles on this theme when its agitation was fresh, and eye and ear witnesses of the event were alive, the files are nowhere to be found. The difficulty, therefore, of now procuring all the evidence bearing on this subject which satisfied the country fifty odd years ago, rises to an impossibility. Enough, however, I apprehend, is within our reach to establish the authentic character of the Mecklenburg Declaration, according to the accepted evidence of historical truth.

The position we maintain is very readily stated. It is, that the resistance to British authority, which assumed the form of war in 1775, was not begun, or waged on the part of the colonies generally, or the Congress which represented them, with any view to a severance of the empire, before late in the spring of 1776. Like the risings against King John, Charles I. and James II., it contemplated only a reformation of abuses and redress of grievances, as British subjects under the crown of the monarch, but did not contem-

plate a change of government or freedom from the dominion of their King and country beyond the sea: that North Carolina, and especially the people of Mecklenburg, formed an exception to this general sentiment of loyalty. The leading spirits, in that county and elsewhere, were ripe for revolution from the beginning. They were opposed to monarchy, had little or no attachment to the mother country, were chafed by recent provocations in the actual operation of the government, and were ready to throw it off at any favorable opportunity. Hence their decided and manly action in proclaiming Independence on the 20th of May, 1775, in advance of all the other colonies. This proud distinction we claim for them, and, at the disadvantage of having to meet a challenge of this claim at the end of nearly a hundred years from the act, and more than the third of a century after the last of the attesting witnesses departed this life, trust to make it good.

It may conduce to the better understanding of our observations, before proceeding further in the discussion, to state the condition of the question as to the genuineness of the Mecklenburg Declaration of Independence in North Carolina. There are some facts which have occurred within the time of living memory about which I presume there can be no dispute:

I. No one, I apprehend, doubts that the men of Mecklenburg, who were old enough to remember the events of 1775, and survived till 1819 and 1820 and 1830, believed there had been a Declaration of Independence at Charlotte, on the 20th of May, in the year

first mentioned, and that they themselves witnessed its promulgation.

II. That not only was this conviction prevalent among those who had remained in that county in the interim, but was shared by those who had emigrated to Georgia, Tennessee and elsewhere.

III. That the whole people of Mecklenburg, without distinction from difference in religious opinion, political parties or personal antipathies or rivalries, were likewise impressed with this conviction, and from early after the year 1820 onward, united in celebrating the anniversary of the day of the Declaration at Charlotte, with all the demonstrations tending to commemorate a great event. Among these celebrations we have reports of three of the most memorable.

\* In 1825,\* as we learn from the *Raleigh Register*, an immense concourse attended, and beside a parade of the military, an oration was pronounced by Washington Morrison, Esq., a lawyer of repute, subsequently a Senator from the county in the State Legislature, but since deceased: and the religious exercises were conducted by the Rev. Humphrey Hunter, who also read the Mecklenburg Declaration, of the announcement of which he had been a witness fifty years anterior, when past the age of twenty, with comments on the circumstances which had accompanied it. At the public festival of the occasion General George Graham acted as President, and Clerk Isaac Alexander as Vice President, both of whom had given their

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\* June 7th, 1825.

written testimony, as had Mr. Hunter, as personal witnesses of the Declaration, and both of whom, like him, had done soldiers' duty in the war which followed. But the most interesting feature of the day, of which the published report informs us, was that a band of Revolutionary soldiers, numbering from sixty to seventy, probably all then residing in this old county of soldiers, marched at the head of the procession with the simple badge '75 on the lappel of the coat.

On the anniversary in 1835, there was probably the most imposing assemblage that ever attended a like celebration in the State. The Hon. D. L. Swain, the Governor then in office, the Hon. Willie P. Mangum, one of the Senators in Congress, were present, with many of the most prominent public characters of the State, and others, who did not attend in person, sent letters of apology. The *Western Carolinian*, of which I have a single number, copying from the *Miners and Farmers' Journal*, printed in Charlotte, May 29th, 1835, gives a detailed report of the celebration, and, among other things, that letters were read from Judge Gaston, Judge Ruffin, Hon. H. W. Conner, Mr. Calhoun, Mr. Preston, and Gov. McDuffie of South Carolina, Judge White of Tennessee, B. Watkins Leigh of Virginia, and others.

The sentiment accompanying the letter of Judge Gaston was as follows: "American liberty—here first declared and here most sacredly cherished—boldly resolved on—long struggled for and nobly defended—it must be preserved by the virtue, wisdom, vigilance, and union of American freemen."

The oration of the day was delivered by Franklin L. Smith, a native of Charlotte, a young advocate of high promise, who was consigned to an early grave in Mississippi, to which State he had emigrated. The Declaration was read, with appropriate remarks, by James W. Osborne, Esq., of Charlotte, subsequently a Judge of the Superior Court, a gentleman of acknowledged ability and culture, and probably better versed in the local history of that section of the State than any one of his time.

Now, as on the former occasion, also appear the revolutionary soldiers of that region, 27 in number, with the white satin badge of '75, and two regiments, one of cavalry the other of infantry, from Mecklenburg and Cabarrus counties, they constituting the old Mecklenburg of 1775.

Again in 1857 was another grand celebration of the day, when Rev. Dr. F. L. Hawks, then residing in New York, but retaining an affection for his native State which never flagged in defending her fame, interest, and honor, delivered an oration in which he elaborately considered the evidence of the truth of this act of patriotism of the people of Mecklenburg, and boldly combated the objections which had been urged against it. Gov. Swain, at this time President of the University, accompanied Dr. Hawks to this celebration, and at the festival of the day made an address which was not understood to imply any doubt of the positions assumed by him.

This oration was only a week or two later delivered by Dr. Hawks on the day preceding Commencement



at the University of the State, to a large audience, of which I was one. The public press was then as free from objectors as it is now; all was known then touching the evidence of the genuineness of the Declaration that is known now. But I am not aware that then any one took up the gauntlet that he boldly threw down.

The point, however, to which I am now directing attention, is, that the men of Mecklenburg, who had reached the age of discretion in 1775, and survived till 1820 and beyond it, satisfied her entire people of the truth of the Declaration which they averred to have been made, and induced them proudly to unite in its observance as a national holiday. In effecting this result, they were doubtless fortified and assisted by a tradition, which had made it as much a part of the history of Mecklenburg as any other public event.

IV. More than this, they convinced those best informed in our history, the most sagacious and intelligent of the public men of the day, men as little capable of being deceived by what was spurious or false, as any who have succeeded them, of the same thing. In illustration of this, it may be brought back to recollection that the late John Stanly, occupying a place certainly among the first of the statesmen, lawyers, and men of letters that the State has reared, in an elaborate and instructive funeral oration on the life and character of John Adams, at Newbern, a short time after the death of Mr. Adams in 1826, contained in a pamphlet which may yet be found among those who are careful to preserve the memo-

rials of literature, takes an extended notice of the Declaration of Independence by the people of Mecklenburg on the 20th May, 1775.

Judge R. M. Saunders, of Raleigh, as President of a Convention of Internal Improvements which assembled in that city in November, 1838, in a memorial which this Convention presented to the Legislature, referred to it likewise in terms of the highest eulogy.

At the session of the General Assembly in 1842, a memorial of a number of citizens who had united together under the name of the Mecklenburg Monument Association, was presented to that body, praying an act of incorporation for the purpose of erecting a monument in commemoration of this great event. It was signed by a committee in their behalf consisting of Frederick Nash, Wm. J. Alexander, D. F. Caldwell, James W. Osborne, H. C. Jones, Paul Barringer, John Phifer, John H. Wheeler, Isaac T. Avery, Michael Hoke, Charles Fisher, Joseph McDowell Carson, Robert Strange, James Iredell, D. L. Swain, Wm. H. Haywood, Jr., Burton Craige; and the act of incorporation was readily granted.

V. But it was not merely our citizens, including those of the highest eminence in intelligence, culture and patriotism throughout the State, who were charmed into the belief of the truthfulness of this occurrence; the State itself took up the fame of her heroic people of Mecklenburg, as a flower not unworthy to be worn in the garland which decked her own brow. At the session of 1830-'31, with a view

to perpetuate some evidence of the transaction, certain certificates, in the nature of depositions of witnesses then living, who had personal knowledge of it, were procured and laid before the General Assembly—witnesses whose characters were all known through their representatives, and who could readily have been subjected to cross-examination. These were referred to a Committee composed of Thomas G. Polk, John Bragg, Evan Alexander, Louis D. Henry, Alexander McNeill. This committee made a report affirming the evidence to be satisfactory, and directing the Governor to cause to be published in pamphlet the said report, with an introductory narrative to be prepared by himself, together with the Mecklenburg Declaration, the names of the delegates composing the meeting, and the certificates of the witnesses testifying to the circumstances attending said Declaration;\* also, the proceedings of the Cumberland Association; and that in a separate pamphlet there should be reprinted the Journal of the Provincial Congress held at Halifax on the 3d of April, 1776, in which the delegates in the Continental Congress from North Carolina were instructed to unite in voting for absolute independence, an instruction given in advance of all the other colonies. These resolutions further directed that copies should be deposited in the Libraries of the State and the University, and in that of Congress, and transmitted to the Executives of the several States of the Union. It is fortunate for the cause of truth in relation to this matter, that the then Gov-

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\* See Davie Copy, A, page 105.

ernor of the State was Montfort Stokes, an officer in the war of the Revolution, who afterwards held many public trusts, including that of Senator of the United States, as well as Governor of the State, and who in the preface to the pamphlet published gives strong corroborative evidence in support of the other witnesses, in the statement of the fact, that in 1793 Dr. Hugh Williamson, of the city of New York, exhibited to him a copy of the Mecklenburg Declaration of Independence in the hand-writing of John McKnitt Alexander.

In 1836, on the occasion of revising the statutes of the State and printing them for distribution, the Legislature enacted, by a law drawn by the late Governor Iredell, Chairman of the Commission of Revision, that a copy of the Mecklenburg Declaration of Independence, with the names of the delegates, should be prefixed to that work.

In 1846, by a joint resolution, the two Houses authorized a new edition of the pamphlet of 1830-31, concerning the Mecklenburg Declaration, to be published with certain other documents pertaining to our Revolutionary history.

In 1854, upon a new revision of the statutes, they again, by solemn act, directed that the Mecklenburg Declaration of Independence be prefixed to that work.

Let it be noted, that all of the three acts of the Legislature last mentioned, were after the discoveries of Peter Force and Jared Sparks of the resolutions of the Mecklenburg Committee of the 31st of May,

1775, and the dispatches and proclamation of Gov. Martin, in June and July of that year.

Thus has North Carolina stamped with the seal of her approbation as history, our account of this transaction, as it had long been enshrined in the hearts of her people, not only in Mecklenburg, but in the whole State, and incorporated with their affection for the liberty and glory of their native land.

What has been the testimony borne of it, by writers of history? And first, by those of North Carolina.

1. Francis Xavier Martin, a native Frenchman, but long a citizen of North Carolina, a compiler of one edition of her statutes by order of the Legislature, before removing to Louisiana, where he was for many years an eminent Judge, in the second volume of his History of the State, published in 1829, near the close of the work (it was continued no further than 1776), gives the Mecklenburg Declaration with the accompanying circumstances in full. \*

2. Joseph Seawell Jones, in 1834, published his volume, a Defense of North Carolina, upon this very question, which may now be referred to with advantage, especially as depicting that condition of dissatisfaction and quarrel between North Carolina and the mother country, from which a severance of empire might have been expected.

3. The Rev. Dr. Wm. H. Foote, of Virginia, in his interesting "Sketches of North Carolina," put forth in 1844, also gives full particulars of this great event,

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\* See Martin's Copy, B, page 106.

with as approving an admiration as if he had been a native of the State.

4. Col. J. H. Wheeler, in his "Sketches of the History of North Carolina," in 1851, who had resided in Mecklenburg or on its frontier for fifteen or twenty years while compiling this useful work, gives to this heroic act of her provincial inhabitants his cordial approbation; and I am happy to observe that, upon the recent attempt to discredit it, he has reiterated his decided convictions.

5. The Rev. Dr. Hawks, to whom every citizen of the State should feel indebted for the zeal and intelligence of his interest in behalf of the fame and honor of his native land, in a Lecture before the New York Historical Society in 1852, and in a still more elaborate performance of the same nature at Charlotte, and at the University of the State, in 1857, maintained it to the satisfaction of our most ardent patriots.

6. It was recognized in Pitkin's "Political and Civil History of the United States."

7. The Rev. Dr. Augustine T. Smythe, a distinguished Presbyterian Divine of Charleston, S. C., in a pamphlet issued in 1847, to which I shall have occasion again to refer, does not discuss the evidence of its authenticity, but affirming that this is clearly established, writes an interesting dissertation to prove that both the Mecklenburg and the National Declarations, in the particulars in which they resemble each other, were suggested or taken from "A General Confession or General Bond for the Maintainance of

True Religion and the King's Person and Estate," put forth to be signed by the members of the Presbyterian Church of Scotland, more than a century before American Independence was resolved on.

8. Lossing, in his "Lives of the Signers of the National Declaration of Independence," in a note to that of Wm. Hooper, records that as early as the twentieth of May, 1775, at a meeting in Charlotte, the committee made a Declaration of Independence of the British crown, to the support of which they pledged their lives, their fortunes, and their sacred honor. On this subject he refers also to his work, "1776, or the War of Independence."

But it is said this Declaration is denied, or is not supported, by the History of Mr. Bancroft. His theory, from page 371, etc., of the 7th volume, seems to be, that the result of the deliberations of the committee is found in the resolutions adopted on the 31st of May, and discovered by Mr. Force in the Colonial Office, in England, which he interprets to mean Independence. "Thus," says he, "was Mecklenburg county in North Carolina separated from the British Empire," etc. We are thankful for the admission that Independence was effected by the men of Mecklenburg on any day in May, 1775, or by any form of resolutions. The critics who quote Bancroft with so much confidence, contradict him by maintaining that the resolutions of the 31st of May do not amount to Independence, separation from the British Empire, as he expresses it. These resolutions, as copied by Wheeler, page 255, begin thus: "Charlotte town,

Mecklenburg county, May 31st, 1775.—This day the Committee of this county met and passed the following resolves. Whereas, etc. (See C, page 108.) Signed, Eph. Brevard, Clerk of the Committee."

This is the whole proceeding—the name of no member of the Committee is given unless it be implied from the last resolution: "That the committee appoint Col. Thomas Polk and Dr. Jos. Kennedy to purchase powder, lead, and flints," shall imply, that these two were members, and that Brevard, being clerk was also a member. How was this committee appointed and brought together, and when? who composed it? who was its Chairman? or President? The simple resolutions as found published, give us no light on these points. Yet Mr. Bancroft had light. He satisfies curiosity in respect to them; but how did he get the material for it in these proceedings of the 31st of May? He says, "The People of the county of Mecklenburg had carefully observed the progress of the controversy with Britain; and during the winter (1774–5), political meetings had repeatedly been held in Charlotte. That town had been chosen for the seat of the Presbyterian College which the Legislature of North Carolina had chartered, but which the King had disallowed; and it was the centre of the culture of that part of the province. Some time in May, news was received that both Houses of Parliament, by an address to the King, had declared the American colonies to be in a state of actual rebellion. This was to them evidence that the crisis in American affairs



was come, and the people proposed among themselves to abrogate all dependence on the royal authority." Mark what follows: "But the militia companies were sworn to allegiance; and how, it was objected, can we be absolved from our oath." The oath, it was answered, "binds only while the King protects"—the quotation marks are correctly copied. And how, we respectfully inquire, did Mr. Bancroft get the report of this discussion, except from the evidence of General J. Graham, in support of the theory of the 20th of May, in which the question put in argument, "if you resolve on independence how shall we be absolved from the oath we took to be true to King George about four years ago, after the Regulation, when we were sworn whole militia companies together," was answered by the reply that "when protection was withdrawn the oath no longer bound: and was illustrated by the case of leaves falling from a tree."

Again we quote Mr. Bancroft: "At the instance of Thomas Polk, the commander of the militia of the county, two delegates from each company were called together at Charlotte as a representative committee. Before these consultations had ended, the message of the innocent blood shed at Lexington came up from Charleston and inflamed their zeal."—Again we ask how was Mr. Bancroft informed that Thomas Polk was commander of the militia of the county, that he called for the appointment of two delegates from each company, that while their deliberations were going on the message arrived of the battle of Lexington, except from the testimony of the Rev. Mr. Hunter,

Major Davidson, Captain Jack, and other witnesses, as to the meeting on the 20th? Further he says, with a justice in which all concur, that "of the delegates to that memorable assembly, the name of Ephraim Brevard should be remembered with honor by his countrymen; he was one of a numerous family of brothers, and himself in the end fell a martyr to the public cause. Trained in the College at Princeton, ripened among the brave Presbyterians of middle Carolina, he digested the system which was then adopted and which formed in effect a declaration of independence, as well as a complete system of government." The Resolutions to which the name of Brevard was signed as clerk of the committee, give no information as to his education, ripening, authorship of the resolutions, and of course none as to his melancholy death in his country's cause; and the question \* remains, from whom did Mr. Bancroft derive this information, especially as to the authorship of the resolutions of the 31st of May, except from the witnesses, several of them Brevard's connections and all his acquaintances, who do not speak of this authorship, though it is no doubt a true inference, but who all concur in ascribing to him the resolutions of the 20th of May—and it is a just inference that he wrote those of the 31st, only from the proof we have from these witnesses that he wrote those of the 20th. The clerkship of a committee does not imply authorship of its resolutions. The documentary evidence is dumb in all these mat-

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\* See C.—Resolutions on 31st May, page 108.

ters; the verbal testimony of those who speak to the resolutions of the 20th is adopted by Mr. Bancroft in all things, except as to the day and the form of the resolutions of the 20th; and without the approval of these witnesses he transfers their evidence to the 31st, in regard to which there is no evidence except the naked resolutions themselves bearing the latter date—the witnesses who do testify, all contending that the most memorable meeting was on the 20th, and that Independence was resolved on then. And I may add, that such, I know, is the tradition in the family of the Brevards to which he belonged, and that of the Polks in which he married.

The question is on the bold brave act of resolving on Independence. Let it be observed that Mr. Bancroft fully admits *that*; and the month; and is only at issue with us as to the day and form. He is therefore no authority with the critics who deny any assertion of Independence, but is against them.

In addition to Mr. Bancroft, who, when rightly understood, affords but slender support to them, our opponents present the name of Peter Force as sustaining their views. Mr. Force was a worthy gentleman of the city of Washington, and an editor of a political paper in that city about 1828; but I am not aware that he left any written work on this or any other subject of American history. He and Matthew St. Clair Clark, in 1833, I think, entered into a contract with the Government to publish the American Archives, or documentary History of the United States. In the search for documents to publish in

fulfillment of this contract, he, Mr. Force, found a newspaper containing the Mecklenburg resolutions already referred to, of the date 31st May, 1775. I presume he never did find a copy of those alleged to have been adopted on the 20th of May in that year. If he had any reasons for doubting the genuineness of the latter, except that he did not discover a copy in the course of his researches, they have never been given to the public. He may have expressed the opinion attributed, but the loose conversations of any one on such a subject are entitled to little weight, and there is no little evidence bearing upon it, which, I feel confident, never came to his knowledge.

To discredit the oral evidence of living witnesses, or even the traditions of a people, and respect nothing but printed documentary proof in a country and at a time when no printing press existed within hundreds of miles—when but two papers were printed in the State, and no copy of a single number of either is known to be preserved, is to reduce history merely to contemporary annals.

9. But there are other American historians to whom attention should be directed by those who design to deal with this topic in candor. Hildreth, a very painstaking, accurate, and instructive writer, to whom I shall recur at another stage, in his third volume, published in 1854, asserts "that the citizens of Mecklenburg county (North Carolina) carried their zeal so far as to resolve at a public meeting to throw off the British connection, and they framed a formal

Declaration of Independence. But this feeling was by no means general."

10. But what says our great and beloved author, the first of Americans who gave to his country a character for literature in Europe; and appropriately closed his long and bright career by a Biography of Washington, published in 1857? I speak of Washington Irving, all of whose works are American classics. In the fourth volume of this work, speaking of the invasion of North Carolina, which had been assigned to Lord Cornwallis, he says: "It was an enterprise in which much difficulty was to be apprehended, both from the character of the people and the country. The original settlers were from various parts, most of them men who had experienced political or religious oppression, and brought with them a quick sensibility to wrong, a stern appreciation of their rights, and an indomitable spirit of freedom and independence. In this part of the State was a hardy Presbyterian stock, the Scotch-Irish, as they were called, having emigrated from Scotland to Ireland and thence to America, and were said to possess the impulsiveness of the Irishman with the dogged resolution of the Covenanter. The early history of the colony abounds with instances of this spirit among its people. 'They always behaved insolently to their Governors,' complains Governor Burrington in 1731, 'some, they have driven out of the country—at other times they set up a government of their own choice, supported by men under arms.' It was in fact the spirit of popular liberty and self-government which

stirred within them, and gave birth to the glorious axiom : the rights of the many against the exactions of the few. \* \* \* \* It was this spirit that gave rise to the Confederacy called the Regulation, formed to withstand the abuses of power ; and the first blood shed in our country in resistance to arbitrary taxation was at Alamance in this province, in a conflict between the Regulators and Governor Tryon. Above all it should never be forgotten that at Mecklenburg, in the heart of North Carolina, was fulminated the first Declaration of Independence of the British crown upwards of a year before a like declaration by Congress."

Again : "Cornwallis decamped from Camden and set out for North Carolina. \* \* \* \* Advancing into the latter province Cornwallis took post at Charlotte, where he had given rendezvous to Ferguson.

"Mecklenburg, of which it was the capital, was, the reader may recollect, the 'heady high-minded' county where the first Declaration of Independence had been made ; and his Lordship, from uncomfortable experience, soon pronounced Charlotte 'the hornet's nest of North Carolina.' \* \* \* \*

"Instead of remaining at home and receiving the King's money in exchange for their produce, they (the inhabitants) turned out with their rifles, stationed themselves in covert places, fired upon the foraging parties ; convoys of provisions from Camden had to fight their way, and expresses were shot down and their despatches seized."

11. In the recent School History of the United States by the Hon. A. H. Stephens, of Georgia (a valuable acquisition to our school literature), the Declaration of Independence at Mecklenburg, on the 20th of May, 1775, is distinctly acknowledged, and full justice is done to the early and manly action of the State in the cause of Independence at this critical period.

To these authorities I here annex the testimonial of the late President Jackson. My two friends, the Hon. Theodore W. Brevard and his nephew Col. Isaac W. Hayne, the former Comptroller-General of Florida, and the latter Attorney-General of South Carolina, until displaced from these offices by the results of the recent war, the former residing now at Cleaveland Springs, and the latter still pursuing his profession in the City of Charleston, in the year 1828, when both very young men, making together a tour of pleasure and observation in Kentucky and Tennessee, visited the Hermitage. What they then saw and heard from its distinguished proprietor touching the event in question, I will relate in the words of a recent letter from Col. Hayne. "I bore a letter of introduction from Col. A. P. Hayne, a personal friend and formerly of the military staff of Gen. Jackson. \* \* \* \* The General received us with even more than his usual warmth and cordiality. After some inquiries as to my relations (the Haynes) he asked my uncle of what family of Brevards he was; and learning that of Capt. Alexander Brevard, of Lincoln County, North Carolina, he said he had heard

of that family all his life, and that some of them were then, and had been for many years, residents of Tennessee. He then remarked to Mr. Brevard, 'You know I lived in Mecklenburg, the adjoining county to Lincoln, in my youth, and I have always taken a special interest in that region and its early history. I have,' he said, 'in the opposite room a copy of the Mecklenburg Declaration of Independence, framed and hung up, and I think it well worthy of the position.' He then asked us into the next room and pointed out a copy of the Declaration, with the signatures attached, printed on satin and in a gilt frame. In the course of the conversation he stated that the authorship was always attributed to Dr. Ephraim Brevard. I have no recollection that any allusion was made to any doubt ever having been expressed as to the authenticity of the document. Gen. Jackson unquestionably treated the incident as a well-known fact in the history of that region of country, the memory of which he desired to perpetuate."

Let it be noted, that at the time of this conversation, the Legislature of North Carolina had never noticed the matter of the Declaration, and no publications had been made touching it, except the original communication by Joseph McKnitt Alexander, in 1819, and the evidence collected by Col. Polk, in 1820, and two or three letters collected by Mr. Macon, as will be hereafter shown; neither had Martin's History appeared: it came out in 1829.

Let it also be borne in mind, that Gen. Jackson was a native of Mecklenburg, had received his education



in Charlotte, and did not emigrate till probably twenty-one years of age; and the inference fairly follows, that the tribute of honor he was paying to this act of patriotism in his native land, was induced, not by the testimony which had at that time been taken in support of its authenticity, but from his own knowledge of the reputation of the transaction before he removed to Tennessee. He was too young, of course, to have been present at its occurrence, but that he had heard of it as one of the many incidents of the Revolution in Mecklenburg, is in the highest degree probable. He, therefore, referred to it as he would have done to a diagram of the battlefield of King's Mountain, had he possessed one, and spoke of it in a like tone of confidence in its reality. How long this copy had been displayed in his mansion we are not informed. Conceding that the form of the document may have been derived from the publications eight or nine years preceding, it was only a memento of what, no doubt, he had long been familiar with as a fact of history from the repute and concurrence of the community in which he was brought up. Considering how many of the officers and soldiers of the Revolution, after its close, removed from Mecklenburg and its neighboring counties to Tennessee, and that a goodly number of these were surviving in 1828, there is little question that evidence of a similar nature to this in regard to the declaration at Charlotte, might have been at that time abundantly obtained in that State.

It will be observed that, in the Legislative pam-

phlet, the testimony of a Mr. Montgomery in Tennessee had been taken as to his knowledge of the fact by reputation, but was not published by the committee, because they confined the proof to that of witnesses personally present at the meeting in which the declaration was promulged; though it was a subject in which hearsay at an early period was certainly legitimate.

—Again: about the time that Gen. Jackson left Mecklenburg for the West, Dr. Charles Caldwell, another of her sons, took his departure for Philadelphia, where he attained the highest distinction in the profession of medicine, becoming an author in the science, and a lecturer in the medical schools of that city, and subsequently in those at Lexington and Louisville, Ky. In the year 1819, while still in Philadelphia, Dr. Caldwell published a volume entitled “Memoirs of the Life and Campaigns of General Greene, Commander of the Southern Department in the War of the Revolution;” with an appendix containing in full the Declaration of Independence in Mecklenburg, on the 20th May, 1775: remarking that, “On the authenticity of the document perfect reliance may be placed;” and adding that, with the chairman and Secretary of the meeting, as well as with Col. Thomas Polk, the writer was well acquainted, and knew them to have been capable of all that was virtuous, patriotic, and daring.”

Whether this book appeared before or after the 30th April, 1819, when the first publication of this proceeding was made in the *Raleigh Register*, I am not

informed. The author evidently intends to give the truth of the transaction the impress of his personal testimony, no doubt from the reputation prevailing before he emigrated from Mecklenburg, and at a time when, if the Alexander article had appeared in the public prints, not a scintilla of evidence had been taken in its support.

After the repeated and decisive action of the State in this matter, and the concurrent recognition of the claim of a portion of her people to the renown which attaches to it, not merely within her own limits but by the great authorities of American History, it naturally occasions surprise to have seen deliberate and labored attempts to write it down in the estimation of the present generation, and to convince them that the pretension set up by their ancestors to an honorable fame was a myth and a delusion—that, true, the act was testified to by certain “respectable old gentlemen in a frontier county,” but they had reached the age of sixty or seventy years, (the average age at which our Presidents have gone into office), and their testimony is not to be credited; and that the acquiescence of the State and her people, for more than a half century, in yielding it their belief, was all deception. This assault comes upon us not only after a great lapse of time from the event itself, and from the collection of the evidence in support of its verity, but at the conclusion of a great war, when those who have shared the fortunes of the State have had their thoughts too much distracted by the events and necessities of recent history to give much study to that which is re-

mote. It is, therefore, a question, how far it becomes us, in the present state of the affair, to submit to an arraignment and be impleaded in a proceeding set on foot for no purpose, that I can imagine, except to amuse leisure and test our capacity to defend our past action on this subject by antiquarian research. It takes us unawares, and requires time, labor, and consultation of authorities, some of them not to be found in private libraries—to deal with it as if it were now new. I may have deceived myself, but with all the disadvantages surrounding us, I trust it can be shown that we have nothing to lose by reopening the controversy; that there are several facts and considerations connected with it which have not been heretofore presented to the public view, and that, in the end, the star of old Mecklenburg and of North Carolina will shine the brighter, from having come to the ascendant in a deeper gloom at the time it rose than she herself was then aware.

Let us see in what manner, and by whom, it was first brought to notice in the public prints.

On the 30th of April, 1819, the paper purporting to contain a copy of the proceedings of the meeting of the committee of the people of Mecklenburg, in Charlotte, on the 20th May, 1775, and their resolutions of Independence, appeared in the *Raleigh Register*, in a communication from Dr. Joseph McKnitt Alexander, a prominent citizen of Mecklenburg, signed Joseph McKnitt, a signature which he is well known to have often used, omitting his surname, from the commonness of the name of Alexander in that re-

gion, and by the same designation he was frequently spoken of and addressed.\* Along with it, as another relic of antiquity, was sent by him and published in the same paper, a copy of a proclamation of the Royal Governor, Josiah Martin, dated "Charlotte Town, October 3d, 1780," while the army of Lord Cornwallis occupied that town. On this latter I may, in the sequel, make a further remark. The first of the above-mentioned papers was prefaced by an editorial notice, stating that the fact it announced was not generally known to the world, but that the editor had it from unquestionable authority, and he published it that it might go down to posterity. Being copied into the *Essex Register*, of Massachusetts, this paper was sent by Mr. John Adams to Mr. Jefferson, with a letter remarking that "the common sentiment of America at that period was never so well expressed before or since." Mr. Jefferson, in a reply dated July 9th, 1819, among other observations said: "I believe it spurious—I deem it a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina some half dozen years ago, in that part of the country, and, perhaps, in that very county of Mecklenburg, for I do

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\* He was a graduate of Princeton about 1792, and a well educated physician. His signature, as above stated, was so well known, that Gov. Stokes deemed no explanation of it necessary, but speaks of him as Dr. Alexander in the publication of 1831.

Mr. Isaac Alexander, mentioned in these remarks, is characterized as Clerk Isaac, to distinguish him from others, there being at that time in that region many Alexanders answering to all the usual Christian names.

not remember its precise locality." After expressing doubt as to whether this paper had been really taken from the Raleigh *Register*, saying that it had not been seen by him in the paper of Mr. Ritchie, or the *National Intelligencer*, nor in Williamson's History of North Carolina, nor other authors whom he names, and that it appeals to Mr. Alexander who was dead, to Caswell, Hewes and Hooper, all dead, he proceeds: "When Mr. Henry's resolution, far short of independence, flew like lightning through every paper, and kindled both sides of the Atlantic, this flaming declaration of the same date of the independence of Mecklenburg county of North Carolina, absolving it from British allegiance, and abjuring all political connection with that nation, although sent to Congress, was never heard of. It is not known even a twelve month after when a similar proposition was first made in that body. Armed with this bold example, would you not have addressed our timid brethren in peals of thunder on their tardy fears? Would not every advocate of independence have rung the glories of Mecklenburg county in North Carolina in the ears of the doubting Dickinson and others who hung so heavily on us? Yet the example of independent Mecklenburg is never once quoted." He proceeds to pronounce Hooper a tory, Hewes very wavering, Caswell and Penn firm patriots; and we quote again: "I must not be understood as suggesting any doubtfulness of the State of North Carolina. No State was more fixed or forward. Nor do I affirm positively that this paper is a fabrication; because the proof of

a negative is only presumptive. But I shall believe it such until positive and solemn proof of its authenticity shall be produced. And if the name of McKnitt be real, and not a part of the fabrication, it needs verification by the production of such proof," etc.

With all due respect for its eminent author, he did himself and others great injustice in the composition of this letter. It is conceived in a spirit of contemptuousness and carelessness very unfavorable to the ascertainment of truth on the question it discusses. He does not remember the locality of Mecklenburg county, and will not even turn to the map to learn it. He does not recollect anything of its history in 1775, and will take no pains to investigate it. He does not remember even to have heard of the Resolutions of the 31st of May, which Mr. Bancroft admits established independence, and which were published at the time in at least two newspapers that have been preserved—nor, we must infer, of the resolutions of the State of North Carolina, adopted on the 12th of April, 1776, empowering her delegates to concur in declaring independence in advance of any other colony; otherwise it is to be presumed he would have recurred to so conspicuous a fact in remarks on that period. Had he turned to Tarleton's Campaigns in America, he would have discovered that even in the very crisis of the War in 1780-'81, after South Carolina and Georgia had been overrun and conquered, that British officer declares that Mecklenburg and Rohan (Rowan) was the most rebellious district in America—a fact which he had proved by wager of battle. Had he consulted

Lee's Memoirs, or Stedman's American War, he would have found it the centre of some of the most stirring military events of that war—that within a radius of 40 miles of its capital are situated the scenes of the battles of Hanging Rock, Buford's defeat, Sumter's defeat, Rocky Mount, King's Mountain, Ramsour's Mill, Cowan's Ford :—that the town of Charlotte itself was the theatre of a well-contested action between Davie and Tarleton's cavalry ; and although Lord Cornwallis occupied it for a brief season afterwards, he retreated thence in the night upon learning of the destruction of Ferguson at King's Mountain.

He might further have learned, upon inquiry, that so heroic and true had been her inhabitants in the cause of independence, that when General Greene superseded Gates in command of the Army of the South at Charlotte, in December, 1780, with the British in his front at Winnsboro', he was able to dispatch Morgan across the Catawba and Broad Rivers to the West, and withdraw his remaining force for subsistence to Cheraw Hills, relying upon the militia of Mecklenburg under Davidson as his Central Army, to be cantoned with their families and called forth whenever the exigencies of the campaign might require—a disposition wholly unmilitary, except for the reliance of that great commander upon their fidelity and valor. And that in 1781, in addition to furnishing her contingent to re-establish the North Carolina Continental Line which had all been captured in the surrender of Charleston, this county, with Rowan, furnished the greater part of three regiments of



South Carolina State Troops under Polk, Hampton and Middleton, who fought under Sumter at Entaw.\*

Had Mr. Jefferson inquired into the social and civil condition of the county of Mecklenburg in 1775, he would have learned that Charlotte was the "centre of the culture of that part of the Province" (as Mr. Bancroft has expressed it); that it was the seat of the highest seminary of learning south of Princeton (except the college of William and Mary, in Virginia), in the institution of Queen's Museum, and thither were sent young men from Wilmington, Camden, Winnsborough, Chester, and from the Academies of Poplar Tent and Bethany; that this College was presided over by the Rev. Dr. McWhorter, an alumnus of Princeton; that around it were settled Dr. Ephraim Brevard, a graduate likewise of Nassau Hall; Waightstill Avery, a graduate of Yale, and William Kennon, lawyers of reputation, the former being afterwards elected the first Attorney-General of the State, upon the establishment of the republican Constitution; the Rev. Hezekiah Balch, Adlai Osborne, and other gentlemen of no mean education; that the spirit of the people was high; that they had been provoked by the long struggle between the Colony and Crown concerning the attachment of lands in the Province to satisfy debts due from owners residing in England; † by the refusal of the King to approve the charter of their College, an act which the Legis-

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\* Gen'l J. Graham's memoranda.

† Jones's Defense.

lature had granted and which he had annulled by royal proclamation;\* by the enforced regulations of an Established Church, which at no distant day had imposed impediments and delays in the celebration of marriages, except by its own clergy;† and, although this county had not participated in the Regulation, by the exaction of a new oath of allegiance after that event, the population being called out for this purpose by military companies.‡ To guide this spirit of discontent and resistance, they had an ample number of educated and intelligent leaders—

“Stern, heroic spirits, roughly brave, by ancient learning  
To the enlightened love of ancient freedom warmed.”

Had Mr. Jefferson been advised of this attitude of affairs, and of the characteristics of this people, his incredulity in respect to their action would probably have been abated. These are matters of local history, to be sure, but it is a question of local history we are considering. A knowledge of them is necessary to show that the tinder of revolution was ready in that section whenever an occasion should arise for the application of the match.

But his letter of denial demanded proof of the declaration of independence alleged to have been made. The matter was then taken up by Col. William Polk (a son of Col. Thomas Polk, a leader in the movement of the 20th of May, 1775), who had been himself an officer of the Continental Line of North

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\* Caruthers' Life of Rev. Dr. Caldwell.

† Ibidem.

‡ Gen. Graham's Certificate.

Carolina, who had commenced his military service under his father in the expedition against the Scovillite\* Tories in upper South Carolina in the autumn of 1775, was under Nash at Germantown, Penn., in 1777, with Davidson on the Catawba in February, 1781, and distinguished in the command of a regiment of South Carolina State Troops at Eutaw, in September of that year. He was at this time residing in Raleigh and President of the principal Bank of the State. He procured and communicated to the Raleigh *Register*, of February 18th, 1820, the certificate of Gen. George Graham, Wm. Hutchison, Jonas Clark and Robert Robinson, all inhabitants of Mecklenburg, his old neighbors, men of the first character as soldiers and citizens, to the effect that they were each present at the meeting of the 19th and 20th of May, 1775, and that on the latter day "resolves were read which went to declare the people of Mecklenburg county Free and Independent of the King and Parliament of Great Britain, and from that day thenceforth all allegiance and political relation was dissolved between the good people of Mecklenburg and the King of Great Britain; which declaration was signed by every member of the delegation amid the shouts and huzzas of a very large assembly of the people of the county, who had come to know the issue of the meeting. We further believe (say they) that the Declaration of Independence was drawn up by Dr. Ephraim Brevard, and that it was conceived and

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\* From Scovil, the name of a British emissary among them.

brought about through the instrumentality and popularity of Col. Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, Hezekiah Alexander, and some others." They further certified that within a few days thereafter, Captain James Jack, of the town of Charlotte, went as a messenger to bear those resolves to the Congress, etc. The signatures to this certificate are

GEO. GRAHAM, aged 61, near 62.

WM. HUTCHISON, " 68.

JONAS CLARK, " 61.

ROB'T ROBINSON, " 68.

A letter from John Simmerson, of Providence, in Mecklenburg, addressed to Colonel Polk, January 20th, 1820, follows this in general confirmation of the facts stated in the certificate, with the anecdote that on mentioning the subject of the correspondence to an old neighbor, he replied, "Och, aye; Tam Polk declared independence long before anybody else."

The testimony of Captain Jack, of the date of 7th December, 1819, who was then residing in Georgia, was also procured to the same import with the above, and that he had been privy to a number of meetings of the most influential and leading characters of the county, prior to that at which these resolutions were adopted; that he bore the Declaration to Philadelphia and delivered it to Richard Caswell and William Hooper, delegates in Congress from North Carolina. He also refers to the Rev. Francis Cummins, a Presbyterian clergyman then living in Greene county,

Georgia, who was a student in Charlotte at the time of the adoption of said resolutions, as a person who was well acquainted with the proceedings in question, and as also having a recollection of them.

The Hon. Nathaniel Macon, then a Senator in Congress from North Carolina, was communicated with in reference to the matter, and entered upon the inquiry in a patriotic spirit, and through him the certificate of Mr. Cummins was obtained, and is found in the State publication of 1830-31, addressed to Mr. Macon. Through him, also, a second letter was obtained from Captain Jack. (See D, page 142.) Though Col. Polk, as I have been informed, also furnished his own certificate in corroboration of these, I regret not to find it among the published testimony of 1830, and can only suggest that inasmuch as a prominent part in the great drama had been acted by his father, and the chairman of the committee of the Legislature was his son, and the proof was ample without his recollections, he caused it to be omitted from motives of delicacy. That he felt a deep interest in the establishment of the fact, and continued to do so till his death, there is abundant evidence.\*

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\* In an article on this topic, in the April number of the *North American Review* for 1874, by Dr. J. C. Welling, of Columbian College, D. C., it is represented, that Col. Polk procured evidence to contradict some points of John McKnitt Alexander's story, and himself left no written statement as to the matter in question. We have seen how earnestly he took up the controversy, which had been opened by the letter of Mr. Jefferson, and what testimony he procured. It is difficult to perceive in what particular this testimony contradicts the ac-

We are not informed that Mr. Jefferson ever recurred to the subject again. No one in Mecklenburg appeared to contradict it. The Raleigh *Register* expressed the decided opinion "that no doubt can now exist of the truth and genuineness of the Declaration of the 20th May, 1775," and it seemed

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count of Alexander, or in what it was intended to have that effect.

General Thomas G. Polk, the eldest son of the same Col. Wm. Polk, was chairman of the committee in the Legislature, which prepared for publication the pamphlet of 1830-31, being then a member from the county of Rowan, and a lodger in the house of his father in Raleigh during the session. The Hon. Louis D. Henry, a brother-in-law of Col. Polk, was also a member of this committee. There is, therefore, good reason to believe that Col. Polk was fully informed of the statements made in this publication before their adoption, and approved them. This is certainly the impression of his descendants and connections, who are well known in several of the Southern States.

2. It may be proper here also to notice that in the same article General Joseph Graham is said to be the son-in-law of John McKnitt Alexander: and it seems to be considered so important a fact in the writer's argument, that it is twice or thrice repeated. It is not a fact, but a palpable error. An intermarriage between a couple of their descendants, years after the death of Alexander, in the third generation from him, is the only ground for this surmise.

3. Equally unfounded is the statement made by the same authority, that it is a tradition in the Brevard family, that their ancestor, Dr. Ephraim Brevard, was inspired to write the Mecklenburg Declaration by the Westminster Confession of Faith. A family whose men, as officers in the continental line of North Carolina, followed Washington upon the Hudson, through the Jerseys and Pennsylvania, and Greene at Eutaw, and who have borne a like creditable part in civil life, can afford to smile at such trifling as this.

no longer to be a matter of controversy. Celebrations of the day were held with the enthusiastic concurrence of the people. Had there been any cavil against this proof at that time (1820), it doubtless could then have been greatly corroborated.

By or before the year 1830, however, Dr. Alexander, who had made the first publication already mentioned, came to the conclusion that it would be a wise precaution to procure confirmatory evidence while witnesses were yet living who remembered the event. And as John McKnitt Alexander had been heard to state that he had placed copies of these proceedings in the hands of General Davie, and of Dr. Hugh Williamson, Dr. Samuel Henderson, of Charlotte, was prevailed on to apply to the family of General Davie, who had died in the latter part of the year 1820, and the copy was found accordingly at his mansion in South Carolina, in the handwriting of John McKnitt Alexander, who had expired, according to Wheeler, in 1817. The characters of General Davie, of his son Frederic William Davie, and of Dr. Henderson, afford every assurance that there could have been no collusion or imposture in relation to this copy. The lateness of its production only shows that this being a public affair, and the business of no one in particular, but little diligence was exercised in hunting up evidence—but the circumstances of the discovery after such delay, and the proof of handwriting, tend powerfully to establish the fact of deposit in the life time of General Davie, which the elder Alexander

had stated to Judge Cameron in 1801, not long subsequent to the conflagration of his mansion.

Further evidence was procured in the form of a written memoir of the Rev. Humphrey Hunter, whose memory was particularly impressed with the proceedings, from the fact, that he was at the time (20th of May, 1775) a few days over 20 years of age. He is positive and precise as to the date, and that the resolutions declared Independence. His subsequent life to the age of seventy-three years, in his Profession as a Minister of the Gospel, was spent in this region of country, in intimate association with the other Revolutionary worthies of Mecklenburg, and his ashes repose in her soil. For his character as a soldier, citizen and Divine, see Wheeler's History of North Carolina. I remember him well in my youth; and he is yet represented in the person of a son residing in Lincoln county, who in scientific attainment and moral elevation is among the first gentlemen of the State.

To the same purport are the statements of Capt. Samuel Wilson, (Clerk) Isaac Alexander, Major John Davidson, of Mecklenburg, Jas. Johnston, of Tennessee, and Rev. Francis Cummins, of Georgia. It will be observed that when these statements were made no question had been raised as to the meeting having been held on the 31st instead of the 20th of May—they were given in rejoinder to a denial that any meeting at all had been held which looked to independence. Therefore these witnesses do not specify the day of the month, but they are all emphatic in



the assertion, that in the meeting at which they attended, *independence* was declared, which is the great point at issue.

Gen. Joseph Graham,\* then of Lincoln county, also gave his testimony. His narrative is perhaps more circumstantial than that of any of the other witnesses except Capt. Jack and Mr. Hunter. I regret the necessity of speaking of his evidence, but I feel that it would be a mistaken delicacy, not to claim for it that weight to which it is entitled, in a matter in which he makes no pretension for himself, but is giving his recollection of a transaction conducted altogether by his seniors. . To the suggestion that he was at the time but in the sixteenth year of his age, I reply that in that time and country, boys often fought in the ranks of men at an earlier age than this, as they have done at all times on our frontiers; and that it was in this same region, while in military service at the age of fourteen, Andrew Jackson received the only wound that ever befell him in his great military career.† In the then state of public feeling and public events, with two elder brothers, one of whom has been already named as a witness in this controversy, both soldiers earlier than himself, a youth of his age would have been dull of comprehension not to have understood the proceedings of that meeting and been duly impressed by them. Nor had age affected him

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\* The Father of the speaker.

† The military age established May 4th, 1776, was from sixteen to sixty years. —Journal Provincial Congress, p. 45.

when he testified of it in 1830. He had been interested in the controversy in regard to it since 1819 and 1820, and from him was obtained the copy of the Proclamation of Governor Martin,\* inserted in the same paper with the first publication, as before stated, of the Mecklenburg Declaration. He was more familiar with the history of the Revolutionary war in the South, than any one I have ever been acquainted with, and at the request of Judge Murphey, in 1820 and 1821, furnished him from memory with written memoranda of the military history of the Revolution in the State, to be used in his contemplated history of North Carolina, which from study and comparison with documents he never saw, I have found singularly accurate. To his pen in these papers, the State is indebted for the rescue from oblivion of the narrative of the battle of Ramsour's Mill (copied by Wheeler), the connection of the events of 1780-'81, in their order of sequence, and the vindication of her fame, by the correction of many errors into which the writers of history have fallen, to her disparagement. Though he never designed them for the press, but as mere notes for Mr. Murphey, after the failure of this gentleman's undertaking, in which they were to have been used, I consented to their publication in the *University Magazine* in 1856, in the hope of preserv-

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\* This was found among the title deeds of an aged illiterate German neighbor in Lincoln County, twenty-five miles from Charlotte, in 1816 or '17, on occasion of writing his will, and is copied in *University Magazine*, March, 1856.

ing them for some author in the future. How Judge Murphey valued them may be seen in his correspondence with General Graham in the *University Magazine*, December, 1854. He had the best opportunities to observe what was done and said on public subjects in Mecklenburg, and occasion for remembering them in all this period of her history. In military service with his neighbors of the county from 1778 till the end of the war—her sheriff from early after its close till 1788, when for the seven succeeding years he was her Senator in the Legislature—her delegate in conjunction with General Robert Irwin in both of the Conventions which considered the question of the adoption of the Federal Constitution; and though removing to an adjoining county in 1794, he kept up a familiar acquaintance in Mecklenburg throughout his life. His recollections, therefore, I esteem as reliable as any evidence of this nature can be. At his death in 1836, at the age of seventy-seven, hardly any decay of his faculties was perceptible. Of General George Graham it may be stated, that with two years greater age, he had equal opportunities of information, and for keeping in his memory the events of Mecklenburg. He formed one of the party to arrest and convey into South Carolina the Tory lawyers of Salisbury a few weeks after this declaration—was under Col. Thomas Polk in the expedition against the Highlanders and other Tories on the Cape Fear in February, 1776; in that of Rutherford against the Cherokee Indians in the summer of the same year; under Sumter and Irwin at Hanging Rock;

under Col. William Polk in the South Carolina State troops at Eutaw; he, too, was familiar with the men of the county as comrades in arms, and as their public servant almost to the close of life—succeeded his brother in the office of sheriff—was clerk of the Superior Court, Major General of Militia, and a member of the Legislature in the one or the other House from this county, for more than twenty years—terminating in 1813. His death occurred in 1826, with mental faculties unimpaired to the last. With Messrs. William Hutchison, Jonas Clark, and Robert Robinson, who united with him in the testimonial given to Col. Polk in 1820, my inferiority in age allowed no personal acquaintance, but I have assurance that they had all been good soldiers of the Revolution, and enjoyed the entire respect and confidence of their contemporaries.

Equal to these in their claims to credibility were Capt. James Jack, of Georgia, Clerk Isaac Alexander, Capt. Samuel Wilson, Maj. John Davidson, of Mecklenburg, Mr. James Johnston, of Tennessee, and the Rev. Francis Cummins, of Georgia. It is to be observed, that no one of these witnesses in testifying sought to magnify his own consequence. Major Davidson was the only one among them all, who had been a delegate in the meeting. He had reached a very old age at the time of deposing, but gives an intelligent narrative, and did not assume to have acted a conspicuous part. All the others declare that they were spectators merely, at the council of the grave and elderly men of their county—and bear

witness of the patriotism and heroism of others, not of their own.

It may be also confidently asserted that this mass of testimony would, at the time it was given, have determined the title of any estate in that county; and if the question were whether a deed which had been lost was designed to convey the absolute property in law or only an estate for years, or on condition, there would have been no difficulty in this evidence in maintaining that the entire fee had passed; and, as little that it bore date on the 20th of May, 1775; and an impartial Chancellor would have directed the conveyance to be renewed accordingly. It is, however, not a question at *nisi prius*, to be tried on the testimony alone of the witnesses whose certificates were taken.

The witnesses who gave written evidence are but a tithe of those who testify to the Declaration of Independence, and on the 20th of May, 1775. Where are those Revolutionary soldiers, who appeared, as we have seen, at the celebration of 1825, sixty to seventy in number; of whom twenty-seven again attended at the celebration of 1835, the survivors of the fields of Stono, Eutaw, Camden and Hanging Rock at the South, and some of them at least of White Plains, Brandywine, and Germantown at the North? They were old enough to remember what had occurred in their own county in 1775, and though, it may be, not personally present at the meeting on the 20th of May in that year, to have heard by current report of every public event

of the times; and if they had not heard of, and believed, this from 1775 onward, who supposes they would have joined in the celebrations, or not contradicted the error? Moreover, the juniors of these who were of middle or younger age, the descendants of those, among whom almost every man had been a soldier in no holiday sense, and who from the traditions of their fathers, knew the story of the Revolution by heart, if they had not heard of it, as they did of the expeditions of 1775 and '76, who presumes they would have yielded an universal belief upon the announcement of the fact in a newspaper supported by a half dozen testimonials from sources however respectable? The truth is, the publication of Dr. Alexander, in 1819, announced nothing that was new to Mecklenburg. Her people had this Declaration in memory as they had the fame of the men they had sent forth to battle for Independence, to whom even yet history has never done justice, and therefore they seconded its assertion with a unanimous voice.

Critics may amuse their ingenuity by strictures on the certificates of veterans who, as I knew one to remark, were "better at fighting than writing, and could make better marks with their swords than with their pens," but they can make no satisfactory plea to that grand certificate of the concurrence of all the surviving soldiers of the Revolution from 1819 to 1835, and the harmonious concord of the sons of those who had perished in the struggle or died prior to the publication in 1819. The old men knew it from recollection or common report, the younger by

tradition. It is hardly possible that a whole people, who may have their subjects of dispute as to other matters, should be deceived and deluded into an undivided belief on this. Let us illustrate by an example. It is within the remembrance of many now living, that in 1814 a Regiment of Militia under Col. Jesse A. Pearson, being part of a Brigade commanded by the above-named Gen. Joseph Graham, was levied in Mecklenburg and the adjacent counties, and served for six months under Jackson against the Creek Indians in Alabama Territory. It is also a fact that owing to the want of a timely provision of funds by the United States, these troops were delayed a month or more at Salisbury, their place of rendezvous, and were therefore too late in arriving at the seat of war for the battle of the Horse-Shoe, in which they would otherwise have participated. Suppose after the lapse of forty-five years, or even now at the end of sixty years, a pretension had been set up that this Regiment had won laurels, by bearing an active part in the battle of the Horse-Shoe, and it had been proposed to celebrate it by a public demonstration. Independently of other evidence to the contrary, who believes that the officers and soldiers of that expedition who survived, or the children of the dead, could have been engaged in any such imposture or delusion?

If a contemporaneous exposition is generally the best construction of a statute made long ago, because it gives the sense of a community living at the time of enactment, of the terms made use of by the Legislature, surely the acquiescence of a people in the *real-*

ity of a transaction, which was asserted more than fifty years back, and when, if untrue, there were scores of living persons who could and would have contradicted it, is equally convincing proof of its actual occurrence.\*

Curiosity, however, is excited to learn in what manner the memorial of this declaration of independence was preserved to later times. The explanation is, that the journal of the proceedings of the Mecklenburg Committee, originating at the incipient period of the Revolution and continued long years afterwards as a county organization, which contained the Declaration of Independence of 20th of

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\* At the mass meeting in Charlotte, February 4th, 1875, I was shown a number of the *Catawba Journal*, published in that town October 19th, 1824, containing a copy of an Oration by Dr. M. W. Alexander, at Hopewell Church in Mecklenburg, delivered on the 4th of July in that year, in which the Resolutions of Independence by that county on the 20th of May, 1775, are inserted in full, with a narration of the circumstances of their adoption. The speaker then proceeds as follows: "These are transactions with which you, together with the citizens of the neighboring counties, have long been familiar; that have been the frequent topics of conversation among us for fifty years. These were the proceedings of our fathers, our relatives, and fellow-citizens, every individual of whom has descended to the tomb—but these are their living deeds of patriotism," etc.

This oration also recites the resolutions of the Provincial Congress at Halifax, on the 12th of April, 1776, empowering the delegates from North Carolina in the Continental Congress to vote for absolute independence in advance of the other Colonies, and corrects the claim, in Wirt's Life of Patrick Henry, that the Virginia resolutions of like import, on the 15th of May, 1776, were prior to those of any other State. Upon which, the editor remarks that the fact that the instruction of North Carolina to her



May, 1775, was preserved in the care of John McKnitt Alexander, as Secretary, and was consumed in the destruction of his mansion by fire in the year 1800. And that prior to its destruction he had endeavored to give this document publicity by furnishing one copy to Dr. Hugh Williamson, who had announced his purpose to publish a history of North Carolina, and another to Gen. Wm. R. Davie, a distinguished soldier of the Revolution, and subsequently Governor of the State. It is probable, also, that he or his son, before-named, who was of mature years and head of a family before 1800, retained still another copy

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delegates in Congress to vote for independence as early as 12th of April, 1776, was new to him, but is verified by a copy of the Journal of the Congress which had been left in his office. But the Mecklenburg proceedings, being a well known transaction, called forth no comment.

At the same meeting, the Hon. J. Harvey Wilson, of Charlotte, a former Speaker of the State Senate, in a public speech, stated that, as a young lawyer, he had drawn the declarations for pensions, under the Act of Congress of 1832, of from twenty to thirty Revolutionary soldiers in Mecklenburg, recently after the passage of that act, and that nearly all of them in giving accounts of their lives, as required by the regulations of the Pension Office, made allusion to the Declaration of Independence in that county on the 20th of May, 1775, and verified the statement by their affidavits.

He further mentioned, that about the same time, he had heard a description of the scene, at the adoption of the resolutions of Independence on the 20th of May, 1775, and the demonstrations of the populace which ensued, from Mrs. Smart, a Mecklenburg lady of remarkable intelligence, then surviving, who was in Charlotte on that day, and that her narrative corresponded with those of the witnesses who gave written evidence of the transaction.

which escaped the conflagration of his house. The averment which we have from Mr. Alexander of his delivering the copies to Williamson and Davie is confirmed :

1st. By the testimony of Gov. Stokes, already cited, stating in substance that in the year 1793 Dr. Williamson exhibited to him, in Fayetteville, N. C., a copy of the said Mecklenburg Declaration in the handwriting of John McKnitt Alexander, which was known to Governor Stokes.

2d. By the statement of Duncan Cameron, then a practicing lawyer, subsequently a Judge of the Superior Courts and President of the Bank of the State, to the effect that Mr. Alexander had informed him of the circumstances of this declaration, and of his placing a copy in the possession of Gen. Davie ; and that after the destruction of the original in his dwelling, he referred again to the same topic, remarking that by reason of this deposit " the document was safe." Dr. Williamson was a Pennsylvanian, who came to the State about the close of the Revolutionary War, and resided in Edenton. He represented North Carolina in the Continental and first Federal Congress, and in the Federal Convention, after which he went to reside in New York. His work, entitled a History of North Carolina, published in 1812, is confined to the colonial period, and extends only to the time of the Regulators in 1771.

3d. It is likewise corroborated by a letter from Mr. D. G. Stinson, a gentleman now above 80 years of age, who in a recent letter from Rock Hill, S. C., in-

forms me that in 1813, when himself a student in the Academy of the Rev. Mr. Wallace of Providence, Mecklenburg, a son-in-law of John McKnitt Alexander, he heard said Alexander, upon occasion of a visit of a month at that place, relate the circumstances of the Declaration of Independence on the 20th of May, 1775; and the further fact, that having been in Philadelphia afterwards in that year, he communicated the facts and circumstances to Dr. Franklin, who expressed approbation of the act.

Of John McKnitt Alexander, I have no personal recollection. That he was one of the leading spirits in those days of peril and revolution appears from the testimony of Gen. George Graham, and others, already recited, and from the facts stated by Wheeler, that he was one of the delegates from Mecklenburg to the Provincial Congress at Hillsboro' in August, 1775, at Halifax in April, 1776, her first senator under the republican Constitution, in 1777, one of the Trustees of the College of "Queen's Museum," subsequently changed to "Liberty Hall," and from the correspondence of the Board of War that Gen. Davidson, at the head of the militia in 1780, named his encampment in Mecklenburg, "Camp McKnitt Alexander."

Mr. Wheeler also extracts from a Charlotte newspaper of 1837, a paper entitled Instructions for the delegates of Mecklenburg county, proposed to the consideration of the county, dated 1st of September, 1775, stated to have been found among his papers, doubtless furnished by his son already mentioned, beginning thus: "You are instructed to vote that the late

Province of North Carolina is, and of right ought to be, a free and independent State, invested with all power of Legislation, capable of making laws to regulate all its internal policy, subject only in its external connections and foreign commerce, to a negative of a Continental Senate."

Whether this was adopted by the county does not appear, but the spirit of it was fully carried out at the Congress, in April, 1776, of which Mr. Alexander was a member, in the resolutions instructing the North Carolina delegates in the Continental Congress to concur in voting for absolute independence.

That this striking event was not made the subject of commentary in our newspapers until published in 1819, should occasion no surprise to those who have studied the history of the State, and know in what a confused and neglected mass all its materials then lay. If so well informed an American as Mr. Jefferson must be conceded to have been, in 1819, did not know the position of Mecklenburg on the map, and supposed it might adjoin Buncombe, the locality of the fictitious volcano played off as a newspaper hoax, from which it is one hundred miles distant, with the Blue Ridge towering between, who except her own people should be expected to know her history? The historians to whom he refers — Williamson, whose work extends but to 1771, Horry, Ramsay, Marshall, Jones, Girardin, Wirt,—not one of them had penetrated so far into our public history as to be aware of the Resolutions of the 31st of May, 1775, or to discover the well-established fact, that North Caro-

lina in her Provincial Congress at Halifax on the 12th of April, 1776, instructed her delegates in the Continental Congress to vote for absolute independence of the British Crown. (I impute no unjust design; it was perhaps our own fault in not causing it to be made generally known.) Some of them do mention that Virginia gave such instruction in May succeeding, and suppose that to have been the earliest movement of the kind. If they were thus uninformed as to our public and general history, how are their omissions authority in respect to a popular meeting, a local assemblage in the county of Mecklenburg, some months earlier? The fact is, the revival of the knowledge of the Resolutions at Halifax was made about the same time and by the same individual, Dr. Jos. McKnitt Alexander, with the publication of the Mecklenburg Declaration in the *Raleigh Register*: and it produced as much surprise among writers of history, and as much satisfaction among the people of the State, as the declaration at Charlotte. It was permitted to pass unchallenged upon the authority of the Journal of the Congress which Alexander had inherited from his father, as would, in my belief, the Mecklenburg proceeding, except that the latter was questioned by Mr. Jefferson, and was supposed by some to lay claim to a domain in which he was entitled to a monopoly—a domain to which in May, 1775, as will presently appear, he had set up no claim in mind or heart.

The first forty-five years of the Republic of North Carolina did not produce even a pamphlet on any sub-

ject of her history, except the abortive effort of Williamson, heretofore noticed. This utter want of a history was felt as a public misfortune by the intelligent men of the State, and by none more than the surviving officers and soldiers of the Revolution. In 1819, or 1820, the Hon. Archibald D. Murphey, who in the preceding seven or eight years, - as a senator from the county of Orange in the State Legislature, had aroused the pride and spirit of the people of the State on the subject of internal improvement and popular education, at the instance of many friends undertook the task of writing her history—an office to which he was eminently adapted by scholarship, patience, and capacity for research, facility in composition, a philosophic mind and a zealous patriotism. Although, from causes not necessary to be related, Mr. Murphey failed in the brief remainder of his life to execute this work, the very undertaking accomplished for the State, though in an inferior degree, what had been done by historical societies for other States, in collecting materials for history, from the recollections of old men then alive, the correspondence and papers found with the families of the dead, the public records, and other sources. How barren Mr. Murphey then found the field he undertook to till, though with abundant materials for improvement if sought out from their hidden recesses, we shall relate in his own words, in a correspondence, July 20th, 1821, with General Joseph Graham, from whom he requested reminiscences of the military history of the State during the Revolution :

"Your letter to Col. Conner," says he, "first suggested to me the plan of a work which I will execute if I live. It is a work on the history, soil, climate, legislation, civil institutions, literature, etc., of this State. Soon after reading your letter, I turned my attention to the subject in the few hours I could snatch from business, and I was surprised to find what abundant materials could, with care and diligence, be collected; materials which, if well disposed, would furnish matter for one of the most interesting works that has been published in this country. We want such a work. We neither know ourselves nor are we known to others. Such a work, well executed, would add very much to our standing in the Union, and make us respectable in our own eyes. I love North Carolina; and love her the more because so much injustice has been done to her. We want pride; we want independence; we want magnanimity. Knowing nothing of ourselves, we have nothing in our history to which we can turn with conscious pride. We know nothing of our State, and care nothing about it. I feel some zeal upon the subject, for a large portion of our history now lives only in the recollection of a few survivors of the Revolution. We must soon embody it, or it will be entirely lost." \*

With so much of the materials of the history of the State thus in the condition of waifs, floating in the memories of a few surviving veterans of the war of independence, does it surprise any one that the brave

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\* *University Magazine*, Dec., 1854.

men of Mecklenburg, who proclaimed independence on the 20th of May, 1775, should thus long have shared the fate of those who lived before Agamemnon, in not finding an author to celebrate their deeds? Caswell, Hooper and Hewes, the delegates in Congress to whom the paper was conveyed in Philadelphia by Captain Jack, and who might have given it publicity had their lives been prolonged, all passed away within six or seven years after the close of the war, before the general government had become settled under the Federal Constitution, or the State had even fixed a permanent seat of government.

Col. Thomas Polk, after an active and useful military career, died within the same period. Brevard fell a victim to confinement in a British prisonship after the surrender of Charleston in 1780, living only to reach the house of John McKnitt Alexander in Mecklenburg.

The College at Charlotte was broken up by the British invasion; no newspaper was published in all the State west of Raleigh, from the Revolution down till the Summer of 1820, unless it was one very temporarily in Salisbury, and the general impoverishment of the country induced by the war was such as to engross all in the ordinary avocations of business, so that no one in that region turned attention to authorship, either in history or any branch of letters. The men who had served their country either in council or in the field, left to others the task of commemorating their acts. The historians in other States had given but little attention to Revolutionary events in



this; and one of the difficulties of illustrating our subject at present, is the uncertainty as to how much acquaintance with local history in that section is to be presumed in the mind of the reader or hearer. Of the battle of Ramsour's Mill, no written notice was ever taken, until the account furnished by General Graham to Judge Murphey, and by him to the public in 1820, which has been republished by Wheeler. Yet but for this timely and decisive blow by Locke and his brave associates in dispersing a body of loyalists, thirteen hundred in number, and which would have grown to thousands, then assembling under Moore and Welsh, in order to join the British in South Carolina, when exulting in the fall of Charleston, and the subsequent massacre of Buford's command on our own frontier, the result might have sealed the doom of the American cause in the South in the Summer of 1780. In its salutary effect it was like to the brilliant victory at King's Mountain three months later, and that at Moore's Creek in New Hanover in February, 1776. Of King's Mountain, though generally known as a decisive victory, no details had been given of the campaign which it terminated, the levies of men under the several commanders, the number of each organization, their pursuit of Ferguson, the order and incidents of the battle, with a diagram of the field, until collected and brought out by the same hand, in the report which has been republished in Foote's Sketches of North Carolina.

Again, where are the particulars of the service of the men of Mecklenburg, Rowan, and Gaston, in the

two British invasions of the State in 1780-'81—the action at Charlotte, and skirmishing before and after—McIntire's farm—Cowan's Ford—Torrence's Tavern—Trading Ford—the investment of General Pickens, of South Carolina, with the command of Davidson's Brigade after the fall of their General (which occasions them to be mistaken by Lee, in his "Memoirs of the War in the South," for South Carolina troops)—of Clapp's Mill—Whitsell's Mill—the expedition of Rutherford against Wilmington in the autumn of 1781, when held by Major Craig and his Tory allies? Where are these to be found, except in these Murphey memoranda, written in 1820-'21, and published in the *University Magazine* in 1856? If, therefore, the Mecklenburg Declaration was destined to a long night of negligence and obscurity before being presented to the muse of history, it slept by the side of military exploits, the traditions of which form no inconsiderable part of the Revolutionary fame of the State. In the process of exhumation it came out of the rubbish a year or two in advance of them. And let it not be forgotten, that its authenticity rests upon the evidence of other witnesses in addition to his, who is the author of these narratives. And the incredulity which rejects it is much more prepared to blot out all that we have heard and believed in relation to the military incidents in the same part of the country, by which it was in no long time followed. All history is but the narration of the author, from personal knowledge or upon information from credible sources. We believe

that Cæsar invaded Gaul, because he so wrote two thousand years ago. We believe that Davie slaughtered a Tory regiment on the very edge of the British camp, near Hanging Rock, having not time to give quarter and take prisoners; we believe that he made a gallant stand in Charlotte against the advance of Tarleton's cavalry; but among American historians we first had these events from Lee, who did not join the Southern army till months after their occurrence, in memoirs not published till thirty years later. And it requires no strain on credulity to believe the followers of Davie who bear witness of the Declaration of Mecklenburg, as an incident of which they had the evidence of their senses only five years earlier than of these achievements in arms.

It is deemed hardly necessary to notice the objection that the courts of justice were at this time held under the authority of the King, and that the incident related of the reading of the declaration borne by Captain Jack in court at Salisbury could not have been true. Any one acquainted with the history of the period, knows that the royal authority in the State was everywhere in the feeblest condition. The Provincial Congresses, since August, 1774, had been composed of members of the Legislature who, while sitting as such, found intervals to carry forward their patriotic work notwithstanding inhibiting Proclamations from the Governor; and the Governor himself, as early as July, made his exit from our shores at Wilmington to a refuge on board the Cruiser. Magistrates, if they did not sympathize in the proceeding,

observed only ordinary prudence in stepping aside for the occasion lest the breezes that passed over them should rise into gales.

But, say our objectors, if such resolutions were ever sent to Philadelphia, there should be found some evidence of the fact in the journals of Congress. It requires but little research to show that this is but a cavil, proceeding from an utter ignorance of the mode of conducting business in the Congress, and the state of sentiment then prevailing among its members. It was among the first rules of order of the body, adopted in September, 1774, "that the door be kept shut during the time of business, and that members consider themselves under the strongest obligations of honor to keep the proceedings secret, until the majority shall direct them to be made public." But there was a far more potential reason than this; and Congress at that time, say May or June, 1775, would as soon have thought of entering on their Journal a proposition to assassinate King George, or to burn the city of London, as to declare independence of Great Britain. No single member favored it, or, judging from the best evidence afforded us, desired it.

Here I approach considerations pertaining to this topic which I am surprised should have been overlooked in all former discussions, and which appear to have faded entirely from the memory of Mr. Jefferson, and also, as now appears, from that of Mr. Adams at the date of the letter from which we have quoted.

The second Continental Congress met on the 10th of May, 1775. Mr. Jefferson then first took his seat

as a member, and successor to Peyton Randolph. It is a fact, capable of the clearest demonstration, that Congress were more nearly unanimous against independence during this entire session, and I know not how much longer, than they were for it on the 4th of July, 1776. That this was then the feeling of Mr. Jefferson, we have more than general evidence. It has been fashionable among historians and fourth of July orators to treat of Independence as if it had been with our Congress a foregone conclusion, and a mere question of policy as to the time of proclaiming it, and that in this sentiment the whole country participated. There is no more gross and unfounded error. Independently of the danger and uncertainty of the issue of such a revolution, the feeling of loyalty to the King and attachment to the mother country was warm; and though blood had been shed and hostile armies had been levied and were facing each other at Boston, the expectation and desire of reconciliation was ardently entertained in Congress, and by many citizens who a year later became the most devoted adherents of independence and a Republic. Let us look into the Journal of Congress, now no longer secret, but then wisely kept as a sealed book from public view.

On the 8th of July, 1775, a Petition to the King was *signed by every member of Congress*, praying for redress of grievances, as British subjects, in the humblest terms; and referring to the accusation which had been made in England, that they desired separation, they declare, "We have not raised armies with the

ambitious design of separating from Great Britain and establishing independent States." At the same time an address of like import was drawn up, and signed, to the people of Great Britain, a species of appeal from the King and Parliament, which had been made on more than one occasion already. These documents, containing the unanimous expression of denial by Congress of aspiring to independence, were despatched to England by Richard Penn—the historian Bisset calls him the celebrated Mr. Penn—a grand-son of the founder of Pennsylvania, himself an ex-Governor, and a brother of her then Chief Magistrate. (Hildreth's History, vol. 3, p. 87–88.) Upon Penn's arrival in England, he procured the Petition to the King to be presented through Lord Dartmouth, the Colonial Secretary, who informed Penn that no answer would be returned.

On the 16th of November, 1775, Penn, through the agency of Lord Dartmouth, was introduced before the House of Lords, and examined as a witness touching affairs in America, and he testified to a positive opinion that "no designs of independency had been formed by Congress"—and, says Hildreth, (p. 112,) "as he had been lately a resident of Philadelphia, and was personally acquainted with many of the members, his opinion seemed entitled to great weight."

Bisset informs us that, after Penn's examination, the Duke of Richmond moved that the petition from the Continental Congress to the King was a ground for conciliation of the unhappy differences subsisting between Great Britain and America, and argued that

the Americans wished for reconciliation, and desired no concession from us derogatory to the honor of the mother country. But the motion was lost by a vote of 86 to 33—upon which the historian expatiates on the folly of Lord North and the Ministry, in not embracing the overture of Congress, and saving America to Great Britain.

As a further evidence that public sentiment in America generally was still on the side of adhesion to Britain, the Colonial Assemblies of three States severally recommended to the attention of Congress at this session, Lord North's conciliatory proposition, and it was not until the 31st July that a committee, to whom it was referred, reported it to be unsatisfactory.

That Mr. Jefferson had not yet embraced the idea of independence, I conceive to be asserted in the following passage of a letter addressed by him to John Randolph, dated Aug. 25, 1775—Jefferson's Works, 2d edition, vol i., p. 151. "I am sincerely one of those. I would rather be in dependence on Great Britain, properly limited, than on any nation on earth, or than on no nation."

General Washington made it no secret that such were his sentiments. In Mr. Irving's Life we are treated to a ludicrous scene, in the narrative, that in June 1775, when Washington was on his way from Philadelphia to take command of the army before Boston, the authorities of the city of New York, through which he had to pass, were in a great dilemma upon the question, whether they should compliment him or Gov. Tryon, then their Governor, who had

just arrived in the harbor from a visit to England ; and that the perplexity was solved by ordering out a Regiment of militia with instructions to the colonel to pay military honors to whichever of these functionaries should first arrive. Washington happened to be prior in time—and in an address to him by Mr. Livingston, President of the Provincial Congress of New York, it was said : “ We have the fullest assurance, *that whenever this important contest shall be decided, by that fondest wish of each American soul, an accommodation with our mother country, you will cheerfully resign the important deposit committed into your hands and reassume the character of our worthiest citizen.*”

In the General's reply he says : “ We shall sincerely rejoice with you in that happy hour when the establishment of American liberty on the most firm and solid foundations, shall enable us to return to our private station in the bosom of a free, peaceful and happy country.” A most earnest aspiration for reconciliation in the address—and not the most distant allusion to independence in the reply ; and within eight hours afterwards, Tryon was received with like military honors and demonstrations of respect, by the city authorities and the royalist inhabitants.

Again, in February, 1776, Washington writes : “ I am entirely of your opinion that, should an *accommodation take place*, the terms will be severe or favorable in proportion to our ability to resist, and that we ought to be on a respectable footing to receive their armaments in the spring.” Thus, says a great



authority in history, "the possibility of conciliation seems here taken for granted; that is, independence was not *then* the idea of Washington, five months before the declaration."

But in May, 1776, we have his own emphatic words: "A reconciliation with Great Britain is impossible. . . . . When I took command of the army (June, 1775) *I abhorred the idea of independence*, but I am now fully satisfied that nothing else will save us."

They who incline to trace the progress of opinion in respect to independence, will find in the pages of Hildreth particulars of the proceedings in Congress from the 28th of June, the date of the report of the committee on that subject, till the 4th of July, 1776, and subsequently, tending to show at last,

*"Quantæ molis erat, ad finem condere gentem."*

"The fact seems to have been, (says the historical authority before referred to,) that resistance ripened gradually and insensibly into rebellion. The leaders had incurred the penalties of treason, before they could well have asked themselves to what lengths they were prepared to go—they always debated with closed doors, so that what were their exact views and the progress of their opinions cannot now be known." And the same authority states it as the most curious and difficult question which the whole contest affords, "Whether the American leaders did not hurry into positive rebellion before they had sufficient grounds to suppose they could resist what was then the greatest empire upon earth."

Dr. Ramsay, of South Carolina, himself a member of Congress, in his history of the United States, published no long time after the war, says, "the affair of Lexington in April, 1775, exhibited the mother country in an odious point of view;" yet he thinks, "for twelve months after, a majority wished only to be re-established as subjects of Great Britain in their ancient rights."

It is far from my purpose to make invidious comparisons, or to disparage the action of any State or individual, much less to insinuate that any State did not perform her full duty in maintaining the cause of independence after it was made a national measure. But the point in dispute is, who first proclaimed independence; not the wisdom or prudence of the step, but its priority in point of time? And the objection that the records of Congress made no mention of the early action of Mecklenburg, has rendered the exposition of the state of opinion in that body in regard to Independence in May or June, 1775, and the slow progress of its conception and development there, down to July, 1776, an indispensable duty.

It now appears, since the Journals of Congress have been published and we are admitted behind the scenes, that when the Mecklenburg messenger arrived in Philadelphia in June, 1775 (the time is fixed by witnesses who show that it was about the time that Washington set out to take command of the army), that Congress was not at all in accord with the spirit of the people by whom he had been sent. How could that august assembly give countenance to a declaration

of independence, albeit in a remote region of the country, when their thoughts still clung to reconciliation, and every member was about to set his hand to a petition professing loyalty to the King, love for the mother country, and disclaiming, as an unjust imputation, the "ambitious design" of independence, which their enemies had ascribed to them ?

No closed doors upon a deliberative assembly ever served a more valuable purpose, than those of the Continental Congress in this emergency against their most confiding friends. The message was doubtless most unwelcome, and might have met with rebuke, but that war was already begun ; it was necessary to keep the spirit of the people up to the fighting point ; the co-operation of all would probably be needed, even in a war such as was then being waged for the rights of British subjects in America ; and it would not do to send back a discouraging reply to men whose conduct implied that they were ready for the most desperate conflict. The North Carolina delegation in Congress were authorized to return for answer, that Congress admired the spirit and patriotism of the people, but deemed their action premature. It is obvious that Congress, with its then sentiments and views of policy, while speaking words of encouragement in their ears, would gladly pass over the affair in a manner to attract to it as little of public attention as possible. It was, as it were, a fire opened upon the enemy, when Congress was sending out a flag of truce with professions of fraternization. And if the Mecklenburg resolutions were not published in the

newspapers of the time, or if so printed, measures were taken to destroy the copies, so that they have not come down to us, it is no violent presumption, that such measures were prompted by the agency of Congress in aid of the policy of reconciliation in which that body was then so earnestly engaged. Certainly in the mind of no impartial judge, with the information now open to us, can the credit of the testimony in favor of the authenticity of the Mecklenburg declaration suffer any impairment from the failure of Congress to leave some memorial of it.

But it is asked, where is the letter or message returned by the delegates in Congress? If this message were in writing, and the chairman or clerk of the meeting could rise from the grave, he probably could answer. But the whole proceeding was that of a popular assembly, having no official depository of its minutes. If there was such a paper, and it did not share the fate of the original declaration in being consumed by fire, the attention of those to whom it was addressed was too earnestly devoted to maintaining the independence they had proclaimed, and they passed through too many vicissitudes of war, to give heed to the preservation of the evidence of their deeds. They forthwith established a surveillance over the neighboring country, arresting disaffected persons, and sending them to places of confinement beyond the sphere of their influence, and organizing a police by which passports were required as to the sentiments of the bearer when he chanced to be a stranger in the neighborhood where he was found—(Jones's Defence, 303).

The autumn of 1775 found these men of Mecklenburg, as militia under their leader, Col. Thomas Polk, in an expedition against the Scovillite Tories, in north-western South Carolina, whom, with the patriot troops of that State, they assisted to disperse and subdue. With but a brief interval from this service, early in February, 1776, they were on the march to encounter the Tory forces levied on the Cape Fear and Yadkin, under McDonald and McLeod, to restore Gov. Martin to authority—a call from which they were relieved at Cross Creeks (Fayetteville), on receiving there intelligence of the decisive victory over the enemy at Moore's Creek by Caswell and Lillington.

The writer has a manuscript journal of this expedition, by Dr. John Graham, a volunteer with 19 others, all then students of Queen's Museum, under Ephraim Brevard, their tutor, as captain, in Col. Thos. Polk's Regiment.

Again, ere the summer had opened, they are seen under Rutherford, scaling our western mountains into Tennessee, and chastising and subduing the Cherokee Indians, who, under British influence, had commenced murdering the inhabitants of the frontiers—thus taking a prominent part in three diverse military expeditions made by the militia of the State, besides furnishing contingents to the Continental troops of North Carolina, under Moore and Nash, for the defence of Charleston against Sir Peter Parker's attack in June, 1776,—all anterior to the national declaration of independence on the 4th of July, 1776. These glimpses of contemporaneous events are necessary to

be taken, in order to comprehend and apply the evidence touching the point in dispute.

It may be appropriate here also to call to mind : 1. That the first Provincial Congress of North Carolina, called to consider grievances alleged against the mother country, convened at Newbern on the 25th of August, 1774, the same day being that for the meeting of the colonial assembly, and elected Caswell, Hooper, and Hewes, delegates to the first Continental Congress.

2. That the second Provincial Congress met at the same place on the 4th of April, 1775, the day of the meeting of the colonial assembly ; and the latter body being rebuked by Governor Martin for insubordination, especially in approving the reappointment of delegates to the Continental Congress, made a spirited reply in maintenance of their rights, for which, after a session of five days, they were dissolved by the proclamation of the Governor, and no legislative assembly under the crown ever again convened in the State.

3. The Governor himself within a brief period became a fugitive on board the Cruiser in Cape Fear river, and never afterwards exercised any of the executive powers, except in the issuance of proclamations from his places of retreat.

4. The law for the establishment of superior courts of justice having expired by limitation, and the Legislature and Governor, by reason of disagreement on a clause subjecting the lands of debtors residing in England to process of attachment, failed to re-enact any statute on this head, so that from 1774 to 1777,

no Superior Courts were held in the Province, and the office of a Royal Judge was a sinecure. Thus, by abdication, as it were, English authority, in every department of Government, ceased in the Province, from, say, May 1775 : and the Provincial Congress assumed and held every function, Legislative, Executive and Judicial, except in the very limited jurisdiction of the Inferior Courts, held by justices of the peace.\* There was therefore everything in the situation to invite revolution as a refuge from anarchy.

It will be recollected that Mr. Jefferson, in his letter before quoted, denied knowledge of any resolutions of the description alleged, from Mecklenburg, and appealing to Mr. Adams, continues : " Armed with "this bold example, would you not have addressed "our timid brethren in peals of thunder on their "tardy fears? Would not every advocate of independence have rung the glories of Mecklenburg county in North Carolina?" etc. And it appears, since the publication of the correspondence of Mr. Adams, that although crediting its authority at first, he subsequently expressed his disbelief. In transmitting the paper to Mr. Jefferson on the 22d of June, 1819, he says : " Had it been communicated to me in the time "of it, I know if you do not know that it would have "been printed in every Whig newspaper upon the "continent. You know that if I had possessed it, I "would have made the halls of Congress echo and re-

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\* Jones's Defence, and McRee's Life of Iredell. Martin, vol. 2.

“echo with it, fifteen months before your declaration  
“of independence. What a poor, ignorant, malicious,  
“and short-sighted, crapulous mass is Tom Paine’s  
“Common Sense, in comparison with this paper.  
“Had I known it, I would have commented upon it  
“from the day you entered Congress till the 4th of  
“July, 1776.”

The whirl of events in a revolution, independently of the access of age, is well calculated to confuse and impair the memory. And without detracting from the reverence due to either of these venerable ex-Presidents, it is manifest that the memory of both was sadly at fault as to the views of Congress, and in regard to their own individual sentiments, at least in all the year 1775, and how much later is unknown. Their letters both imply that they were eager for independence as early as the date of this paper, and were delayed by the doubts and fears of others ; whereas, at the very time of the arrival of the messenger from Mecklenburg, the Congress was, no doubt, employed in the preparation of a petition to the King for redress of grievances, disclaiming any design of independence, which was signed by these two, with all the other members, on the 8th of July, 1775. While the whole mind and heart of Congress (so far as we have any means of judging) were intent on reconciliation, the agitation of independence from a single county on the continent would not have called forth the appeals in tones of thunder imagined. On the contrary, it would have been regarded, at most, as an inopportune and embarrassing demonstration, which



it was most hazardous and inconsistent to encourage, and yet not expedient to rebuke. The emergency, therefore, required politic treatment, and would have sent out from the closed doors of Congress, or the chambers of the delegates from the State, just such an answer as that borne by Capt. Jack, to wit: that Congress admired the patriotism and courage of the people, but the step was as yet premature.

Moreover, it is now conceded, nay insisted upon by our critics, that Mecklenburg did pass resolutions in this month of May, 1775, (the 31st) far transcending in revolutionary purpose those of Mr. Henry in the colonial assembly of Virginia; yet neither Mr. Adams nor Mr. Jefferson remembered to have heard of them. But nevertheless, such resolutions there were. They were caught up by the Royal Governors of other colonies than North Carolina, and transmitted to the British ministry.\*

Gov. Martin, on the 30th of June, also sent despatches to the Colonial Secretary, with the denunciation that "The resolves of the Committee of Mecklenburg, which your Lordship will find in the inclosed newspaper, surpass all the horrid and treasonable publications the inflammatory spirits of this Continent have yet produced; and your Lordship may depend its authors and abettors will not escape my notice, whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government. A copy of these resolves, I am informed, was

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\* Gov. Wright of Ga. Wheeler, 254.

sent off to the Congress at Philadelphia as soon as they were passed in the committee.”\* Not content with this, the Governor, on the 8th of August, on board the Cruiser, issued a Proclamation, reciting that “Whereas, I have seen a most infamous publication in the Cape Fear *Mercury*, importing to be resolves of a set of people styling themselves a Committee of the County of Mecklenburg, most traitorously declaring the entire dissolution of laws, Government, and Constitution of this country, and setting up a system of rule and regulation repugnant to the laws, and subversive of His Majesty’s Government,” etc. The resolves, though thus publicly denounced, and though published at the time in the papers of South Carolina, New York, and Massachusetts, and sent to Congress, were never heard of or if heard of totally forgotten by its two eminent members, whose correspondence we have before us. If either of them was so intent at that time on independence as their letters in 1819 would indicate, the resolves of the 31st of May, declaring that “all Commissions civil and military heretofore granted by the Crown to be exercised in these Colonies, are null and void, and that whatever person should receive an office from the Crown in future, should be deemed an enemy of his country,” etc., would have furnished ample material for that eloquence which it seems was but waiting on popular demonstrations for independence. Of these, at least, they must have had knowledge in June, 1775,

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\* Wheeler, 257.

according to all reasonable probability, as well as the instructions of the Provincial Congress of North Carolina to her Continental delegates, to unite in voting for independence, in advance of the other Colonies, April 12th, 1776; but no allusion is made to either of these daring measures to which the correspondence naturally led; and both of the writers seem to have passed from the stage of human existence, in perfect obliviousness that either Mecklenburg or North Carolina had taken any advanced position in favor of throwing off British authority.

Now, upon every principle of evidence, upon the ground that a witness who makes positive affirmation of an event is to be credited in preference to one who does not remember it, that forty-five years added to the lives of men, the one forty and the other thirty-three (the ages of Mr. Adams and Mr. Jefferson), will more tend to impair their recollections than the same term added to those of youths and men from fifteen to twenty-five (the ages of the Mecklenburg witnesses with two exceptions), as well as upon the documentary proof of the despatches and Proclamation aforesaid, we claim it as established, that resolutions were adopted at Charlotte in Mecklenburg, in May, 1775, declaring "the entire dissolution of the laws, Government and Constitution of Great Britain," which had theretofore obtained, and that a copy of these proceedings was transmitted to Philadelphia by a special messenger, and delivered to the delegation of North Carolina in the Continental Congress; and that in return an approving message was received by the

same messenger, but with the admonition that the movement was too early. And if in history, as in law, it is sufficient to prove the substance of the issue, our position is established. In professional phrase we have prevailed on the general issue—the only issue originally made.

But a new ground is more recently assumed, that conceding the affirmation to be true, there is error in the day of the month on which the alleged meeting was held, and in the import of the resolutions, for that it was not the 20th but the 31st of May; and that the resolutions adopted, though very spirited and defiant, did not import permanent separation from Great Britain. The day is not at all material, in so small a difference in the dates; and we are thankful to the last learned critic in the *North American Review*, that “the people of Mecklenburg were the first to cut the ‘Gordian knot,’ of the political situation by their incisive declaration made on the 31st of May, 1775.” If this were all that had been done, it would be an event worthy of commemoration to remote ages. But we contend that the resolutions adopted were resolutions of independence. The word implies so grand and stupendous an idea to the subjects of a monarchy, that there is little liability to mistake it for anything else, on the part of a witness of ordinary intelligence. Governor Martin unquestionably so understood them—“Most traitorously declaring the dissolution of the laws, Government and Constitution, and setting up a system of rule and regulation, repugnant to the laws and subversive of

His Majesty's Government," the words of which he made use, are satisfied by no other meaning than that of independence. Such is the concurrent recollection of every witness at the scene, of every one who was heard to speak of it afterwards, among the then inhabitants of that country. And no one, we apprehend, even at a remote period, could probably mistake the four or five resolutions of the 20th, for the series of twenty on the 31st, arranging details in matters civil and military. Such is the evidence of tradition, and of those who desired to have it kept in remembrance.

But why were not the resolutions of the 20th printed in the gazettes? The Cape Fear *Mercury*, in which were seen the resolutions denounced with such severity by Governor Martin, and referred to in his despatch, as transmitted with it, the only North Carolina paper in which we are informed of any such publication, was lost from the British Colonial Office before Mr. Sparks made his researches therein—and Mr. Wheeler states that he found a memorandum upon his visit there in 1858, or thereabout, informing that it had been lost from the files since 1837. What series of resolutions it contained is therefore unknown. But if they were the series of the 31st of May, and those of the 20th were not published by printing till 1819, is it not manifest that their publication shortly after their date would have thwarted the unanimous policy of Congress, flying as they did in the very teeth of its professions of loyalty and desire for reconciliation? And is it any violent presumption

that the non-publication, if none was made, was occasioned by the advice and influence of that body?

Very serious question is also made as to the genuineness of the copy of the resolutions, the original having been destroyed as is alleged by the conflagration of a building in the year 1800—and Judge Martin in his history of North Carolina having published a series not identical with the copy published by the legislature—(See Appendix for copy.) The difference between the two is not a matter of substance—both declare independence. And I esteem the production of a separate and slightly varied copy by Martin as corroboration rather than impeachment of the verity of the transaction; especially when coupled with the statement of Dr. Hawks, that he had conversed with Judge Martin on this subject when both were residing in New Orleans, and learned from him that he had obtained his copy in manuscript from the Western part of North Carolina, before the year 1800. But the integrity of the copy mainly depends upon the testimony of John McKnitt Alexander, and that of the witnesses sustaining him. His account was, that as Secretary, he had preserved the record of it, from the time of adoption till it was destroyed with his dwelling by fire in 1800; that he had furnished a copy to Dr. Hugh Williamson, who had undertaken to write a history of the State, in order that the declaration might be noticed in that work—that he furnished another copy to Gen. Davie. Williamson did publish a History of North Carolina in 1812, and in his preface asserts that he “had received much infor-

mation from some of the most ancient and respectable citizens of the State, who continue to serve the country, and from others who had lately been numbered with the great majority." He says further that he contemplated to bring the history of the State down to 1790, but declined from the arduousness of the task and confined his work to Colonial history prior to 1771.\*

Now Alexander is corroborated in the foregoing statement, as we have seen : 1st, by the evidence of Gov. Stokes, who testified that Dr. Williamson had exhibited to him a copy of the Mecklenburg Declaration of Independence, in the handwriting of John McKnitt Alexander, in 1793. 2d, by the testimony of Judge Cameron to Dr. Foote, that Alexander had informed him of such a declaration in 1800, and that copies had been delivered to Dr. Williamson and Gen. Davie. 3d, by the testimony of D. G. Stinson, Esq., as already rehearsed. 4th, by the testimony of Dr. Samuel Henderson as to the finding of the copy in Alexander's handwriting in the mansion of Gen. Davie after the General's death. 5th, by his character, public and private. He seems to have made

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\* Mr. Jefferson in his letter asserts, that Dr. Williamson "in the history he has written of North Carolina did not recollect this gigantic step of its county of Mecklenburg." Williamson himself informs us in his preface that he had collected much historical matter with a view to continue his history to 1790 ; but as his narrative stops with 1771, we do not know what he would have written of events of 1775. We have shown, it is submitted, convincingly, that he had a copy of the Mecklenburg Declaration in his possession in 1793.

continual claim to this transaction for the people of Mecklenburg: was solicitous to see it incorporated into history, at least as early as 1793 and 1800—expected to see it in Williamson's promised work, or in some other, to which Davie from his eminence in enacting history might be called on to contribute; and of course, as we infer, to make satisfactory proof of it, if called in question in his day, which, according to Wheeler, lasted nearly a quarter of a century after 1793. There was an ingenuousness and confidence in the assertion of this claim on his part, while it could have been readily settled by living witnesses, which indicate no dread of controversy as to its rightfulness, if any had then arisen, and which well comports with the character of an actor in the transaction itself.

But it is contended that the resolutions of the 31st of May are so incompatible with those alleged to have been passed on the 20th, that they negative the adoption of the last-mentioned altogether; and this, in my conception, is the only plausible argument adduced against our position. The resolutions of the 31st follow very well as an appropriate sequence to those of the 20th, in everything except in a single particular. It was natural, that after having annulled and thrown off the British authority and dominion in a public meeting in the presence of, and with shouts of approbation from the multitude, inflamed by the intelligence just received of the battle of Lexington, that the Committee should hold a subsequent meeting to establish a system of government adequate to the exigency of the crisis. This was the more necessary



since by their resolutions of the 20th, "all, each and every military officer was reinstated in his former command and authority, he acting conformably to these regulations, and every member of the Committee was made a civil officer, namely, a justice of the peace in the character of a committee man ;" while upon the popular principle which governed their proceedings, it should have been, and no doubt was, more satisfactory, to choose all these officers by popular election. Accordingly we find that on the 31st, provision was made for a new organization of the military into companies, "and for the choice of a Colonel and other officers by the inhabitants of the county, and for the choosing in like manner of two discreet freeholders from each company with the jurisdiction of justices of the peace, with sundry other wise regulations, for the administration of justice, the preservation of the peace, the suppression of disloyalty to the new governing power by adherence to Britain, and in preparation for war.

But the 18th resolution, in the series of twenty, is as follows: "That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the Province shall provide otherwise, *or until the Legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.*" These last words constitute the only seeming inconsistency between the two sets of resolutions. They present a thread of apparent connection with British authority in a remote contingency, to which our opponents point, as

proof that there was no dissolution on the 20th, and as if the previous resolutions of the same series had not rendered reconciliation to that authority impossible.

As has been already remarked, we have no traditions of the resolutions of the 31st, and know nothing of them except as they appear in contemporary newspapers, discovered at a comparatively recent date; and though Tory papers, transmitted by Royal Governors, we assume the copies to be correct. We are left, therefore, very much to conjecture in the solution of the question how these words became incorporated in the resolutions of a Committee which had already pronounced for independence. The most probable one which occurs to us, is, that when the Committee came to more deliberate consideration than was practicable in the excitement of the 20th, under the influence of the news that blood had already begun to flow, and to frame regulations under which every man was required to array himself against the dominion of England at the hazard of being seized as a prisoner, it was deemed humane as well as politic towards the doubtful or disaffected, to leave them the hope that the regulations to which they were required to conform might be terminated by the abandonment of its oppressive policy by the British Parliament. These regulations are essentially municipal laws, in which the lawgiver might well prescribe conditions to those over whom he exercised jurisdiction, which he would not observe towards an alien Government.

It is certain this limitation could not have been designed as a loop-hole for future retreat from the position of independence which had been assumed. On the contrary, the requirement that "The Legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America," renders this resolution more provokingly offensive to British authority than if that clause had been omitted altogether. To that authority it was a defiance, with epithets of opprobrium, while to the wavering, irresolute, or loyalist citizen, it may have afforded a distant expectation of reconciliation. However this may be, the verbal and circumstantial evidence of independence, is too powerful to be overcome by the unexplained passage in one of the resolutions of the 31st of May.

There are some of us who can look back through many years of recollection, and, if blessed with ordinary faculties, can test the capacity and extent of human memory in retaining a knowledge of facts and events. Fifty years carries us back to 1825, the year of the election of John Quincy Adams to the Presidency, by the House of Representatives, over Jackson and Crawford, and of the visit of Gen. Lafayette to this country and his reception in Raleigh. While forty-five years transports us to the second year of Jackson's administration, the great debate between Hayne and Webster, the incipency of nullification, and a year or two later to the agitation of that question in the State Legislature and in popular assemblies. Who, between the ages of 60 and 75 does not remem-

ber at least this latter period, the public meetings and discussions, and the parts taken by the several public men then upon the stage? Yet none of these equalled in magnitude, or were so adapted deeply to impress the memory, as the determination of the people of a colony to dissolve its connection with the parent kingdom, and incur the hazards of treason and of war.

There are two most striking points of difference between the resolutions of the 20th and those of the 31st. The first breathe the spirit of a popular assembly, by which we are informed the committee was surrounded, just possessed of the news of the battle of Lexington, which is denounced in one of the resolutions as the "inhuman shedding of American blood at Lexington," are impassioned in tone, and declarative merely of position and principles. The latter are business-like, considerate and minute, providing for the necessities of a civilized community which had cast off its former organism. They make no reference to the battle of Lexington, the startling event of the times, which no public assembly would have failed to notice in the existing state of public feeling, unless they had given expression to their indignation already. For aught that is known, or apparent in them, they may be the offspring of a session of the Committee held in Dr. Brevard's private office, and there being no printing press at hand, were promulgated among the people by sending out copies, some of which were procured by spies and forwarded to the royalist paper of Wells in Charleston, and to Governor

Wright in Georgia, by whom they were so speedily posted off to London. We can therefore say with confidence, that of the resolutions of the 31st we have no information except as they are printed with the signature of a clerk in a contemporary paper; while as to those of the 20th we have a detailed account from witnesses of character, of capacity to understand the transaction, as our intercourse with them and our own experience abundantly prove, with the best opportunities for observation; and confirmed in their recollection by a life-long conversancy with the actors in the scene, among whom it was doubtless a topic of not infrequent conversation, with the other incidents of the revolution, in their camps and marches, court-yards, public assemblages, and at their hospitable fire-sides.

The learned have a theory, that upon presenting to a naturalist a bone of one of the extremities of an animal, he can thence infer the structure, form, and habits of the animal, and whether he subsists on flesh or grass. This, in the absence of more convincing information, may answer very well. But to the practical common mind, the description of a witness who had seen the beast, clothed in his skin, pasturing in the fields or roaming the forest, would be more satisfactory than the opinion on these points of Cuvier himself. The political or literary philosophers who undertake to tell us what Mecklenburg *should have done*, or abstained from doing, on the 20th of May, by inference from the fragment of a resolution passed on the 31st, must excuse us for preferring the account

of veritable witnesses, who testify what she *did do*. I regret to understand that the manuscript of that copy of the resolutions of the 20th of May, known as the Davie paper, cannot be found. I remember to have seen it in the Executive office at Raleigh, in 1845, considerably soiled, probably from having passed through the hands of the printers of 1831. I do not recollect to have read it, having often seen the copies in print, and am sure that my attention was not attracted to any certificate to the effect that the copy was made from memory by John McKnitt Alexander, as is alleged in the recent article on this topic in the *North American Review*—a circumstance implying an imputation at least of negligence on the part of the Committee, by whom the publication of 1830-'31 was made, not at all consistent with the characters of the gentlemen composing it. If it were so, however, it probably accounts for the discrepancy between the Davie and Martin copies, in both of which the battle of Lexington is referred to, and in both of which independence is declared. No one in an attempt to reproduce the series of twenty resolutions of the 31st, could ever have brought forth those four or five deposited with either Davie or Martin; while the two latter are very nearly identical with each other. And in the absence of the copy furnished to Williamson, it may be that that of Martin, which we have seen was obtained before the year 1800, is the more accurate. But either is sufficient to establish the great fact of the declaration of independence on the 20th of May, 1775, under the circumstances detailed in the oral evidence.

The coincidence of certain language in these resolutions, with that employed in the national declaration of independence on the 4th of July, 1776, from which it is insisted that they are of subsequent origin, is, when properly considered, an argument of little weight. And here let me remark that the fame of Mr. Jefferson, as one of the very first of American writers, will not suffer diminution even by the establishment of the fact, that in the national document he used language and expressions which had been before employed to express like sentiments in this and other countries—even with the knowledge that they had been so employed. In the phrase of Governor Stokes, in the pamphlet already mentioned, it was but the expression of the common feeling, and was the common language of the country at that eventful period. The learned writer of the article in the *North American Review* brings forward the fact, that Richard Henry Lee, in his resolutions of the 7th of June, 1776, had employed the words, “That these united colonies *are, and of right ought to be, free and independent States ; that they are absolved from all allegiance to the British Crown ; and that all political connection between them and the State of Great Britain is, and of right ought to be, dissolved.*” Yet nothing improper can be imputed upon finding that these expressions are adopted into the national declaration ; and as little, we presume, in discovering in the concluding sentence the pledge of “lives, fortunes,” etc., all of which, in substance, we maintain had been previously used in the Mecklenburg resolu-

tions. Whether this prior use had ever come to the knowledge of the writer of the national declaration or not, is wholly immaterial. No nation or people ever went to war without in fact staking up their lives and fortunes and honor, and it requires no extraordinary rhetorical skill to give expression to the idea. Without going out of our way in the search for examples, we accidentally find that Gibbon, vol. 1, p. 416, speaks of Constantine as a popular leader, to whose service, from a principle of conscience, the early Christians had devoted their "lives and fortunes." In Martin's History of North Carolina it is mentioned, that after the departure of the Regulators, who had broken up the session of the Superior Court at Hillsborough and compelled the judges to flee, an association paper was drawn up by the supporters of the Crown, in which the subscribers solemnly engaged to support the government against the insurgents at the risk of their "lives and fortunes," etc.\* This is an American precedent of the use of these terms as early as September, 1770. The essay of the Rev. Dr. Smythe, of Charleston, to which reference has been already made, in the use of like words and phrases to those contained in either declaration, in the Scottish document, which he mentions, as early as 1670, may likewise be consulted for many expressions similar to those in these papers, notwithstanding the summary and not very respectful manner in which it is passed over by the *North American Review*.

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\* Vol. 2, 276.



The reviewer apparently considers himself fortunate in finding an expression of Judge Iredell, of North Carolina, to the effect, "that until very near the time when the arbitrary obstinacy of the King left no other alternative than indefinite submission or unreserved resistance, he never heard a man speak on the subject of independence who did not speak of it with abhorrence and indignation." And the eminent character of Judge Iredell is very justly commented on.

The time for decision on this alternative is left very indefinite, and might be fixed at different periods by different minds. But where is this asseveration found? It is in a document addressed to His Majesty George the Third, King of Great Britain, etc., and signed, "A British American, March, 1777"—never forwarded to the King nor printed till 1857, but circulated in manuscript among the friends of Mr. Iredell, as what has since come to be known as a campaign document, to reconcile the people to independence and rouse them to its defence. It is, at most, a rhetorical effusion in the argument of an anonymous advocate, never expected to be seen by his correspondent, and not heavily taxing his memory for facts, but intent on exposing the tyranny and folly of the King. It so turns out that in the same first volume of Iredell's Life and Correspondence, p. 193-4-6, quoted by the reviewer, we find independence shadowed forth in a letter from William Hooper to Iredell, bearing date April 26th, 1774, in which the writer says: "With you I anticipate the important share which the colo-

nies must soon have in regulating the political balance. *They are striding fast to independence, and ere long will build an empire upon the ruins of Great Britain.*" The letter is copied at length in the Defence of J. Seawell Jones, p. 312, who remarks, "I look upon this letter as not inferior to any event in the history of the country, and in the boldness and originality of it, a document without a rival at the period of its date. It takes precedence of the Mecklenburg declaration, as that does of the national declaration of independence." Mr. McRee, the biographer of Iredell, copies these remarks of Jones approvingly, and in his work refers often to the Mecklenburg declaration as a historical event, especially in the mention of Waightstill Avery as a delegate at its adoption. It is quite probable that Mr. Iredell, had the matter been called to his recollection, would have admitted that he had heard of the resolution of the Provincial Congress urging independence on the 12th of April, 1776, and possibly also of the proceeding in Mecklenburg in 1775, though three hundred and fifty miles distant, with no business intercourse between Edenton and Charlotte, and no printing press at either point. But whatever may be our conjectures on this head, it is demonstrated that Mr. Iredell had known of a suggestion of independence in no equivocal, but in an approving sense, and apparently in reply to a like meditation on his own part.

It remains to take some notice of the arguments of the reviewer drawn from the proceedings of the Provincial Congress at Hillsborough on the 20th of

August, 1775, in which he seems to suppose that he has found a dilemma, from which there can be no escape. The journal of this Congress, which was printed and published at that time, has ever been regarded as a noble monument of the patriotism and wisdom of the men who were its members. It is very copiously extracted from by Martin and Jones, neither of whom discovered in it anything irreconcilable with the Mecklenburg declaration of independence, which they both affirm. But the reviewer raises upon it a question of conscience, and goes so far as to declare it infamous, if Mecklenburg had made the declaration in question, that her delegates should have concurred in the action of this Congress. To this we have to reply, first, that the casuistry of a professor's chair would be as well applicable to the sailing of a ship in a storm, as to measures of war and revolution. It has never been presumed to aid in planning expeditions, winning battles, or overturning governments ; and second, that although Mecklenburg had declared her independence of Great Britain, there were two other authorities from which she had no purpose to break, and on which she acknowledged her dependence in her very declaration, namely, the Continental Congress of the United States, and the Provincial Congress of North Carolina. It was, therefore, in entire consonance with her attitude towards Great Britain, that she should appoint her delegates as theretofore, to this Congress, consisting, as we are told, of Thomas Polk, John McKnitt Alexander, John Plifer and Waightstill Avery, and conform her conduct to the

decrees of that Assembly, which was then the sole depository of the sovereign powers of government in the Province, legislative, executive and judicial. She was not quite so demented or obstinate as to have her delegates withdraw or protest whenever a measure should be proposed or carried, which compromised the independence she had set up for herself; after the example of certain fanatical Jews commented on by Vattel, who, when attacked by their enemies on Sunday, suffered themselves to be cut to pieces, rather than be considered as violating the fourth commandment in making defence. This is the position the argument of the reviewer would have had them to assume, rather than permit the representation of the whole Province, consisting of nearly all its most illustrious men, to control the destinies of the whole people in the perils which environed them. The same fanaticism would have required them, on the return of Capt. Jack from Philadelphia, to denounce the Continental Congress as dastards, and resolve to prosecute the war and maintain independence without allies outside of the limits of their own county, or at least of the Province. But they were advised it was too early for the united colonies to venture so far, and they abided by the counsel then given by the authority to which they had appealed. And when their delegates went to Hillsborough, less than two months after Jack's return, they there found Caswell, Hooper and Hewes, who sent the message from Philadelphia to Mecklenburg, all members of the Provincial Congress from their respective counties.

In the interim, on the 8th of July they had each set his name, with all the other members of the Continental Congress to the petition to the King for a redress of grievances and disclaiming designs of independence. This we now see, though it was probably not revealed to the Provincial Congress, and we can readily understand, that in a body of which they were members, to which they brought intelligence, doubtless, as to the state of sentiment in all the colonies, and in which they from their station would exert a decisive influence, there was no likelihood of a proclamation of independence. No one has ever pretended that the whole colony was then ready for independence. And, as Mecklenburg had deferred to the views of the Continental Congress, so she but yielded a like deference through her delegates to this Provincial Congress in not making a demonstration of her local sentiment, which she was doubtless advised would not be seconded, and could but lead to dissension. No yeas and nays were taken on any question. No one desired to make up a journal to be afterwards quoted to exhibit his personal consistency. All were intent only on the deliverance of their country—some doubtless with views of policy far more advanced than others—and an undivided vote in all important subjects was of great moment.\*

But what did this Congress do that was so derogatory to the honor of the delegates from Mecklenburg, that they should have withheld from it their

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\* See Journal of Congress, August, 1775.

consent? We are told that, 1st, a test was established to which they submitted. A test of what? of loyalty to the King, or of fidelity to the Continental and Provincial Congresses? This paper is copied but in part, in the article in the *North American Review*, and that which we may term the British part. Its full import is not to be comprehended from the *Review*. We therefore give it in full, as follows:

“We the subscribers, *professing our allegiance to the King, and acknowledging the Constitutional, Executive power of Government*, do solemnly profess, testify and declare, that we do absolutely believe that neither the Parliament of Great Britain, nor any member or constituent branch thereof, have a right to impose Taxes upon the colonies to regulate the internal policy thereof, and all attempts, by fraud or force, to establish and exercise such claims and powers, are violations of the peace and security of the people, and ought to be resisted to the utmost.” [So far goes the copy in the *Review*.] “And that the people of this Province, singly and collectively, are bound by the acts and resolutions of the Continental and Provincial Congress, because in both they are freely represented by persons chosen by themselves; and we solemnly and sincerely promise and engage, under the sanction of virtue and honor, and the sacred love of liberty and our country, to maintain and support all and every the acts, resolutions and regulations of the said Continental and Provincial Congresses, to the utmost of our power and abilities. In testimony

whereof we have hereto set our hands, this 23d of August, 1775.”

· Saving the first two lines, thrown in for the sake of the scrupulous or disaffected, to afford a semblance of remaining loyalty to the King as an Executive power, this test contains an emphatic denial of all authority of Parliament over the colonies—a declaration that it should be resisted to the utmost, and a solemn engagement to maintain and support all and every the acts, regulations and resolutions of the Continental and Provincial Congresses. It is in these latter particulars quite equal to the oath now required of a foreigner upon his naturalization as a citizen of the United States, to renounce his native allegiance and be faithful to his new government. There was among the people of the Province, a large number who had been engaged in the Regulation, been overcome at Alamance—some punished capitally, and all the survivors compelled to take anew the oath of allegiance to the King : another large settlement of Scotch Highlanders, recently arrived, and still arriving from their native country, who remembered a like defeat at Culloden in the year '45. Both of these were inclined to the support of the Crown, as well from scruples of conscience as from dread of punishment. The first object of this Congress, no doubt, was to exact a bond of obedience to itself and the Continental Congress, “to the utmost of his power and abilities,” from every citizen ; but so to attemper the requirement that these classes might be brought into the engagement, and that even the disaffected should have no excuse for refusal.

Thus understood it excites a smile to see this test treated by our reviewer as a test of loyalty to the King, the more especially when we read in the Journals of many individuals being arrested and brought before the Congress under this test, charged with disaffection to its authority, but of no one charged with disloyalty to the King, nor of any military or police force, to hunt out such, and make arrests.\* It is needless to add, that a force of this latter class would have been itself promptly arrested, if not summarily executed. This test was deemed so essential that it was administered to all officials under the Congress, without distinction of person, in this and the succeeding body of April 4th, 1776. Even after the passage of the famous resolutions, on the 12th of April, 1776, instructing the delegates of the Province in the Continental Congress to vote for independence, we read in the Journal of April 15th, 1776, that "William Hooper and John Penn, Esqs., delegates of the Continental Congress, and members of this House, appeared, *subscribed the test* and took their seats." And it may be a matter of surprise to the scrupulous of a later day, that Messrs. Hooper and Penn should thus unnecessarily involve their consciences by taking this test to the King, if it was such, after they had been instructed to vote for independence, and then, within three months, giving their votes and subscription to the national declaration. But thus it appears of record.

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\* See in Journal cases of Coulson, Farq'd, Campbell and others.



2. But the Congress resolved unanimously (Mecklenburg included) that "the Proclamation of Governor Martin, of the 8th of August inst., is a *false, scandalous, scurrilous, malicious and seditious libel*, tending to disunite the good people of this Province, and stir up tumults and insurrections, dangerous to the peace of his Majesty's government, and the safety of the inhabitants, and highly injurious to the character of several gentlemen of acknowledged virtue and loyalty—and further, that the paper be burned by the common hangman."

This Proclamation, which is copied in "Jones's Defence" (p. 183), and covers near ten pages of that volume, is too long for minute comment here. It is sufficient to say, that in applying to it the term "false," it was not to be implied that the facts recited in it were untrue. In the criminal law of that time it was a maxim, "The greater the truth the greater the libel," if the publication tended to expose the subject of it "to public hatred, contempt or ridicule," and the term "false" was but a formula for characterizing a libel. The Congress, therefore, did not intend by the resolution to deny that "a committee for the county of Mecklenburg had passed resolves declaring the entire dissolution of the laws, government and constitution of this country," etc., (as Governor Martin alleged,) any more than to deny that John Ashe and his associates had burned Fort Johnston, or that Caswell, Hooper and Hewes had written the letter imputed to them, for the purpose of carrying into effect the resolutions of the Continental

Congress, or that Samuel Johnston had convoked this Congress (all which with many other acts and persons were denounced in the Proclamation): but the libel consisted in holding up the several acts and persons mentioned to public hatred and contempt, by the publication. As to the *loyalty* the resolution may imply, we have seen how far that extended in the test, into which the members of the Congress had entered, and which they prescribed to all the inhabitants of the Province. Measured by this it was not a span in length.

3. We have not space or time to investigate the address to the people of Britain, which does not appear ever to have been transmitted—or the rejection of the proposition for a plan of confederation of the American colonies, mentioned in the Review. Let it suffice to say, that the new Whig Government, through the Provincial Congresses, and in their vacation by the Provincial Council, with the standard of political duty established by the test before recited, ruled the country with a bold yet politic and indulgent hand. Great pains were taken, through committees and otherwise, to explain the situation to the people; but those who were friends to the King, rather than to this Provincial authority, were sought out and arrested, and then imprisoned or exiled, until they renounced such adhesion or gave pledges for right behavior. Not only this, the Congress organized a war establishment upon a substantial footing—made expeditions, fought battles, and won victories over the King's friends, in South Carolina and Virginia, in con-

junction with the patriot troops of those States, as well as at Moore's Creek, within our own borders; and by the time the Congress met again the ensuing Spring, was prompt to reward these exploits with the honors of a triumph, in votes of thanks to her heroic commanders.\*

If the delegates from Mecklenburg did not find an echo to her declaration of principles, and made compliances which may appear to have occasioned them chagrin, in practical results they could have desired nothing better than was planned and executed by this Congress.

They might well have said to their people at home, "Our strength is to sit still." The Congress was effecting all that they desired, and at this Spring session they had the great satisfaction to see the Congress nobly resolve on independence, as they had done on the 20th of May, 1775, before the representatives of any

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\* 1. The thanks of Congress were voted to Brigadier Genl. Howe for his manly, generous and warlike conduct in these unhappy times: more especially for the reputation which our Provincial troops acquired under him at the conflagration of Norfolk (Decr., 1775). Journal, p. 33.

2. Likewise to Col. Richard Caswell, and the brave officers and soldiers under his command, for the very essential service by them rendered this country, at the battle of Moore's Creek (Feb. 27th, 1776). Journal, p. 12.

3. The expedition of Cols. Polk, of Mecklenburg, Rutherford, of Rowan, Neel, of Tryon, and two companies of N. C. Continental troops under Col. Alexander Martin, in conjunction with the troops of South Carolina, against the Scovillites in that State, called the Snow Campaign, was also made in December, 1775.—*Genl. Graham's Memoranda.*

other colony had taken this decisive step. Congress met at Halifax on the 4th of April, 1776. "On the 8th it was resolved, that Mr. Harnett, Mr. Allen Jones, Mr. Burke, Mr. Nash, Mr. Kinchen, Mr. Person and Mr. Thomas Jones, be a select committee to take into consideration the usurpations and violences attempted and committed by the King and Parliament of Great Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this Province." On the 12th of April, 1776, the select committee reported as follows, to wit: "It appears to your committee that pursuant to the plan concerted by the British Ministry for the subjugation of America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled; and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts denouncing war, famine and every species of calamity against the continent in general. The British fleets and armies have been and still are daily employed in destroying the people, and committing the most horrid devastations on the country. The Governors in different colonies have declared protection to slaves who should imbrue their hands in the blood of their masters. That the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which, multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress. And

whereas, the moderation hitherto manifested by the united colonies, and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by these means alone, which have been hitherto tried, your committee are of opinion the House should enter into the following resolve, to wit :

Resolved, "that the delegates from this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring Independency, and forming foreign alliances, reserving to the colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time, (under the direction of a general representation thereof) to meet the delegates of the other colonies, for such purposes as shall be hereafter pointed out."

"The Congress taking the same into consideration unanimously concurred therewith."

Our progress to independence then, was by these steps :

1st. Mecklenburg dissolved her connection on the 20th May, 1775, from the mother country, but was still subject to the government of the Provincial Congress which was in alliance with the Continental Congress.

2d. The test adopted by the Provincial Congress on the 23d of August, 1775, in effect cut the cord of connection between the Province of North Carolina and Great Britain, and required an obligation of allegiance to the Provincial and Continental Con-

gresses, without limit of time—a transfer of fealty, but as yet, without a change of flag.

3d. This severance was acknowledged, and proposed for the adoption of the Continent, by the report and resolution of the 12th April, 1776.

4th. Other colonies subsequently adopted like resolutions, and the great National Declaration followed on the 4th July, 1776, converting Provinces into States, and uniting all in bonds of harmony, and mutual defence and protection.

The learned, elaborate, and minute criticism in the *North American Review*, controverting the truth of the Mecklenburg Declaration of the 20th May, though conceding and allowing due credit for the resolutions of the 31st, will, I trust, plead due apology for the prolixity of this vindication. Perhaps it may be well, even irrespective of this commentary, on the approach of the hundredth birthday of the event, when all of the old thirteen States seem to be brushing off the dust from their armor, and brightening their escutcheon for display on the great Centennial of the Union, that we should review history and see the foundations on which our faith in it may rest. This I have sought to do by the lights within our approach, candidly and without a particle of vanity or envy towards any of our sister States. All stood bravely side by side in the achievement of the end proclaimed; and without the material resources, the gallant armies, the sages and heroes of all, and even with these, without the repeated favors of a benign Providence, any Declaration of Independence would have been but an empty sound.



## DOCUMENTS CITED IN PRECEDING ADDRESS.

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### A.—*The Davie Copy of the Declaration.* (See p. 12.)

1st. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

2d. *Resolved*, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

3d. *Resolved*, That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4th. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain



~~and adopt~~ as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the ~~Crown of Great Britain~~ never can be considered as holding rights, privileges, immunities, or authority therein.

5th. *Resolved*, That it is further decreed, that all, each and every military officer in this county, is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz., a Justice of the Peace, in the character of a “*Committee-man*,” to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union and harmony in said county ;—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

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*B.--Resolutions as in Martin's History, Vol. 2,  
Page 373. (See p. 14.)*

*Resolved*.—That whosoever directly or indirectly abets or in any way, form or manner countenances the invasion of our rights, as attempted by the Parliament of Great Britain, is an enemy to his country, to America, and the rights of men.

*Resolved*.—That we the citizens of Mecklenburg county do hereby dissolve the political bands which have connected us with the mother country, and ab-

solve ourselves from all allegiance to the British crown, abjuring all political connection with a nation that has wantonly trampled on our rights and liberties and inhumanly shed the innocent blood of Americans at Lexington.

*Resolved.*—That we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing people, under the power of God and the General Congress; to the maintenance of which independence; we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

*Resolved.*—That we hereby ordain and adopt as rules of conduct, all and each of our former laws, and the crown of Great Britain cannot be considered hereafter as holding any rights, privileges or immunities amongst us.

*Resolved.*—That all officers, both civil and military, in this county, be entitled to exercise the same powers and authorities as heretofore: that every member of this delegation shall henceforth be a civil officer and exercise the powers of a justice of the peace, issue process, hear and determine controversies according to law, preserve peace, union and harmony, in the county, and use every exertion to spread the love of liberty and of country, until a more general, and better organized system of Government be established.

*Resolved.*—That a copy of these resolutions be transmitted by express to the President of the Continental Congress assembled in Philadelphia, to be laid before that body.

C.—RESOLUTIONS OF 31<sup>ST</sup> MAY. (See p. 19.)

*Extract from the South Carolina Gazette and County Journal, of June, 1775, No. 498—Printed at Charlestown by Charles Crouch, on the Bay, corner of Elliott Street.*

CHARLOTTETOWN, *Mecklenburg County*,  
May 31<sup>st</sup>, 1775.

This day the Committee of this county met and passed the following resolves :—

*Whereas*, By an address presented to His Majesty by both Houses of Parliament in February last, the American Colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended. To provide in some degree for the exigencies of this county in the present alarming period, we deem it proper and necessary to pass the following resolves, viz :—

I. That all commissions, civil and military, heretofore granted by the crown to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.

II. That the Provincial Congress of each Province, under the direction of the Great Continental Congress, is invested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in any of these colonies.

III. As all former laws are now suspended in this

Province, and the Congress has not yet provided others, we judge it necessary for the better preservation of good order, to form certain rules and regulations for the Internal Government of this county, until laws shall be provided for us by the Congress.

IV. That the inhabitants of this county do meet on a certain day appointed by the Committee, and having formed themselves into nine companies (to wit: eight for the county and one for the town), do choose a colonel and other military officers, who shall hold and exercise their several powers by virtue of the choice, and independent of the crown of Great Britain, and former constitution of this province.

V. That for the better preservation of the peace and administration of justice, each of those companies do choose from their own body two discreet freeholders, who shall be empowered each by himself, and singly, to decide and determine all matters of controversy arising within said company, under the sum of twenty shillings, and jointly and together all controversies under the sum of forty shillings, yet so as their decisions may admit of appeal to the Convention of the Select Men of the County, and also that any one of these men shall have power to examine and commit to confinement persons accused of petit larceny.

VI. That those two select men thus chosen do jointly and together choose from the body of their particular company two persons to act as constables, who may assist them in the execution of their office.

VII. That upon the complaint of any persons to either of these select men, he do issue his warrant di-

rected to the constable, commanding him to bring the aggressor before him to answer said complaint.

VIII. That these select eighteen select men thus appointed do meet every third Thursday in January, April, July and October at the Court House in Charlotte, to hear and determine all matters of controversy for sums exceeding 40s., also appeals; and in case of felony to commit the persons convicted thereof to close confinement until the Provincial Congress shall provide and establish laws and modes of proceeding in all such cases.

IX. That these eighteen select men thus convened do choose a clerk, to record the transactions of said convention, and that said clerk, upon the application of any person or persons aggrieved, do issue his warrant to any of the constables of the company to which the offender belongs, directing said constable to summon and warn said offender to appear before said convention at their next sitting, to answer the aforesaid complaint.

X. That any person making complaint, upon oath, to the clerk; or any member of the convention, that he has reason to suspect that any person or persons indebted to him in a sum above forty shillings intend clandestinely to withdraw from the county without paying the debt, the clerk or such member shall issue his warrant to the constable, commanding him to take said person or persons into safe custody until the next sitting of the convention.

XI. That when a debtor for a sum above forty shillings shall abscond and leave the county, the warrant

granted as aforesaid shall extend to any goods or chattels of said debtor as may be found, and such goods or chattels be seized and held in custody by the constable for the space of thirty days, in which time, if the debtor fail to return and discharge the debt, the constable shall return the warrant to one of the select men of the company where the goods are found, who shall issue orders to the constable to sell such a part of said goods as shall amount to the sum due.

That when the debt exceeds forty shillings, the return shall be made to the convention, who shall issue orders for sale.

XII. That all receivers and collectors of quit rents, public and county taxes, do pay the same into the hands of the chairman of this committee, to be by them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by, and have given to this committee good and sufficient security for a faithful return of such moneys when collected.

XIII. That the committee be accountable to the county for the application of all moneys received from such public officers.

XIV. That all these officers hold their commissions during the pleasure of their several constituents.

XV. That this committee will sustain all damages to all or any of their officers thus appointed, and thus acting, on account of their obedience and conformity to these rules.

XVI. *That whatever person shall hereafter receive a commission from the crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country; and upon confirmation being made to the captain of the company in which he resides, the said company shall cause him to be apprehended and conveyed before two select men, who, upon proof of the fact, shall commit said offender to safe custody, until the next sitting of the committee, who shall deal with him as prudence may direct.*

XVII. That any person refusing to yield obedience to the above rules shall be considered equally criminal, and liable to the same punishment, as the offenders above last mentioned.

XVIII. That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

XIX. That the eight militia companies in this county provide themselves with proper arms and accoutrements, and hold themselves in readiness to execute the commands and directions of the General Congress of this province and this Committee.

XX. That the Committee appoint Col. Thomas Polk and Dr. Joseph Kennedy to purchase 300 pounds of powder, 600 pounds of lead, 1000 flints, for the use of the militia of this county, and deposit the

same in such place as the Committee may hereafter direct.

Signed by order of the Committee,

EPH. BREVARD,  
*Clerk of the Committee.*

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D.--(See page 38.)

*Letter from Hon. C. Tait, Member of Congress  
from Georgia.*

WASHINGTON, Jan'y 25th, 1819.

DEAR SIR:—Of late an inquiry, and in some instances a controversy, has arisen respecting the origin of the American Revolution. Some say it began in Virginia, and for this honor the Virginians strenuously contend. The people of New England assert that it commenced in the Town of Boston, and much has been written of late on the subject. This controversy has been dignified by a correspondence between two ex-Presidents of the U. S.,—Adams and Jefferson. Other parts of the country begin to put in their pretensions to an early movem't in this great event, which is destined to influence the affairs of mankind. North Carolina thinks she has some claims in this regard; and Mr. Macon of the Senate is collecting what information he can on the subject. It appears by a document lately furnished him that the people of the county of Mecklenburg of that State, so early as on the 20th of May, 1775, declared themselves inde-



*pendent* in due form in a Convention at the town of Charlotte. That Adam or Abram Alexander was the President of this Convention, and that John McNitt Alexander was its Secretary or Clerk. It also appears by this curious Document that *Cap'n James Jack* was the person chosen to carry the proceedings of this Convention to the Continental Congress sitting at Philadelphia. Presuming that the Cap'n Jack is no other person than your respected father, I informed Mr. Macon he is still living in the County of Elbert and State of Georgia. This information has produced a request from Mr. Macon that I would write to you and request it as a favour of you to forward to him any Document, or copy of a Document, which has any relation to the Mecklenburg Convention, or of the revolutionary movements in that part of the country, at that early period. This I persuade myself you will with pleasure do. By possibility your father may have preserved, as a precious relic of those days, some papers relating to the proceedings alluded to, and in which he bore an honorable part. If this is the case it will gratify Mr. Macon very much to get them or a copy of them.

Present my respects to Mrs. Jack, to your father and mother, and believe me,

Yours, &c., &c.,

(Signed.)

C. TAIT.

Gen. P. Jack.

P. S.—Mr. Macon will be very glad to hear from you before the adjournment of Congress; his given name is Nathaniel.

C. T.

# APPENDIX.

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## THE DECLARATION OF INDEPENDENCE

*By the Citizens of Mecklenburg County, on the twentieth day of May, 1775, with accompanying documents, published by the Governor, under the authority and direction of the General Assembly of the State of North Carolina.*

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## PREFACE.

THE resolution of the General Assembly directing this publication, makes it the duty of the Governor to cause to be published in pamphlet form the Report of the Committee relative to the Declaration of Independence, and the accompanying documents, in the following order, viz. : 1. The Mecklenburg Declaration, with the names of the Delegates composing the meeting. 2. The certificates testifying to the circumstances attending the Declaration; and 3. The proceedings of the Cumberland Association.

In the discharge of this duty, the Governor has deemed it proper to prefix to the publication the following brief review of the evidence by which the authenticity of this interesting portion of the history of North Carolina is controverted and sustained.

On the 30th of April, 1819, the publication marked A, made its appearance in the Raleigh Register. It was communicated to the editors of that paper by Doct. Joseph McKnitt, then and now a citizen of the county of Mecklenburg, and was speedily republished in most of

the newspapers in the Union. A paper containing it (the Essex Register) was, it seems, on the 22d June, 1819, enclosed to Mr. Jefferson, by his illustrious compatriot, John Adams, accompanied with the remark, that he thought it genuine; and this suggestion of Mr. Adams elicited the following reply, which was at that time published in various newspapers, and has been since given to the world in the 4th volume of Mr. Jefferson's Works, page 314:

TO JOHN ADAMS.

*“Monticello, July 9, 1819.*

“DEAR SIR,—I am in debt to you for your letters of May the 21st, 27th, and June the 22nd. The first, delivered me by Mr. Greenwood, gave me the gratification of his acquaintance; and a gratification it always is, to be made acquainted with gentlemen of candor, worth, and information, as I found Mr. Greenwood to be. That on the subject of Mr. Samuel Adams Wells, shall not be forgotten in time and place, when it can be used to his advantage.

“But what has attracted my peculiar notice, is the paper from Mecklenburg county, of North Carolina, published in the Essex Register, which you were so kind as to enclose in your last, of June the 22nd. And you seem to think it genuine. I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina, some half dozen years ago, in that part of the country, and perhaps in that very county of Mecklenburg, for I do not remember its precise locality. If this paper be really taken from the Raleigh

Register, as quoted, I wonder it should have escaped Ritchie, who culls what is good from every paper, as the bee from every flower; and the National Intelligencer, too, which is edited by a North Carolinian; and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen. But if really taken from the Raleigh Register, who is the narrator, and is the name subscribed real, or is it as fictitious as the paper itself? It appeals, too, to an original book, which is burnt, to Mr. Alexander, who is dead, to a joint letter from Caswell, Hewes, and Hooper, all dead, to a copy sent to the dead Caswell, and another sent to Doctor Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenburg. Horry, too, is silent in his history of Marion, whose scene of action was the country bordering on Mecklenburg. Ramsay, Marshall, Jones, Girardin, Wirt, historians of the adjacent States, all silent. When Mr. Henry's resolutions, far short of independence, flew like lightning through every paper, and kindled both sides of the Atlantic, this flaming declaration of the same date, of the independence of Mecklenburg county, of North Carolina, absolving it from the British allegiance, and abjuring all political connection with that nation, although sent to Congress, too, is never heard of. It is not known even a twelve-month after, when a similar proposition is first made in that body. Armed with this bold example, would not you have addressed our timid brethren in peals of thunder, on their tardy fears? Would not every advocate of independence have rung the glories of Mecklenburg county, in North Carolina, in the ears of the doubting

Dickinson and others, who hung so heavily on us? Yet the example of independent Mecklenburg county, in North Carolina, was never once quoted. The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, Hewes,) 'in the cause of liberty and independence.' Now, you remember as well as I do, that we had not a greater tory in Congress than Hooper; that Hewes was very wavering, sometimes firm, sometimes feeble, according as the day was clear or cloudy; that Caswell, indeed, was a good whig, and kept these gentlemen to the notch, while he was present; but that he left us soon, and their line of conduct became then uncertain until Penn came, who fixed Hewes, and the vote of the State. I must not be understood as suggesting any doubtfulness in the State of North Carolina. No State was more fixed or forward. Nor do I affirm, positively, that this paper is a fabrication, because the proof of a negative can only be presumptive. But I shall believe it such until positive and solemn proof of its authenticity shall be produced. And if the name of McKnitt be real, and not a part of the fabrication, it needs a vindication by the production of such proof. For the present, I must be an unbeliever in the apocryphal gospel.

"I am glad to learn that Mr. Ticknor has safely returned to his friends; but should have been much more pleased had he accepted the Professorship in our University, which we should have offered him in form. Mr. Bowditch, too, refuses us; so fascinating is the *vinculum* of the *dulce natale solum*. Our wish is to procure natives, where they can be found, like these gentlemen, of the first order of acquirement in their respective lines; but preferring foreigners of the first order to

natives of the second, we shall certainly have to go, for several of our Professors, to countries more advanced in science than we are.

"I set out within three or four days for my other home, the distance of which, and its cross mails, are great impediments to epistolary communications. I shall remain there about two months; and there, here, and everywhere, I am and shall always be, affectionately and respectfully yours,

"TH : JEFFERSON."

The republication of this letter in a work which is intended for, and will go down to posterity, recommended alike by its intrinsic excellence, and the illustrious name of the author, has imposed upon the Legislature the task of proving that, with regard to this particular fact, Mr. Jefferson was mistaken, and that his opinion was made up from a very superficial and inaccurate examination of the publication in the Raleigh Register, the only evidence then before him, and upon which his letter is a commentary.

The letter itself was evidently written *currente calamo*, and for that reason may not be regarded as a fair subject for severe criticism. It is not intended to subject it to such a test, nor is it designed to examine it further than may be necessary to the ascertainment of truth. Of the ability, the purity, the patriotism of the author, it is unnecessary to speak. His love of country was not bounded by the confines of Virginia; but it is no discredit to his memory that her institutions, her heroes and her statesmen occupied the first place in his affections. She was emphatically 'the mother of great men,' and 'his own, his native land;' and it is no mat-

ter of surprise that he should be unwilling, without the most ample proof, to transfer the brightest page of her history to emblazon the records of a sister State. Mr. Wirt's *Life of Patrick Henry* had just been published, and for the latter was claimed the high distinction of having been the first to give motion to the ball of the Revolution. Mr. Jefferson himself was the author of the Declaration of Independence by Congress, and was not disposed to share in any degree the immortality with which it had crowned him, with a comparatively obscure citizen of North Carolina; and, therefore, the evidence which was at once satisfactory to Mr. Adams, is by him pronounced "to be a very unjustifiable quiz."

The grounds for this opinion, in the order in which they are given to Mr. Adams, are, 1. That the story is "like that of the volcano\* having broken out in that part of the country, and perhaps in *that very county of Mecklenburg*." 2. "If this paper be *really* taken from the Raleigh Register, as quoted, I wonder it should have *escaped* Ritchie," &c., "and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen." 3. "But if *really* taken from the Raleigh Register, *who is the narrator*, and is the *name* subscribed *real*, or is it as *fictitious* as the *paper itself*?" 4. "It appeals, too, to an original book, which is *burnt*, to Mr. Alexander, who is *dead*, to a joint letter from Caswell, Hewes, and Hooper, *all dead*, to a copy sent to the *dead Caswell*, and another

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\* The hoax alluded to was published in 1812, and represented the volcano as having broken out in the neighborhood of the Warm Springs, in Buncombe, a point nearly as distant from the county of Mecklenburg as from Monticello.

sent to Doctor Williamson, *now probably dead*, whose memory did not recollect, in the history he has written of North Carolina, *this gigantic step of its county of Mecklenburg,*" &c., &c.

Without further remark with regard to the first point—the *quiz about the volcano*—or the second, whether the "spurious" paper was *really* published in the Raleigh Register, it is proper to say, in reply to the *third argument*, that the *name subscribed is real*, that the individual still lives, that he is moreover a credible witness, and that it is to his laudable attention and exertions that the State is indebted for the preservation of much of the testimony which is now offered to the public. The *fourth argument* demands, and will receive more particular attention and examination.

The paper appeals to a book, which is burnt; to Mr. Alexander, who is dead; to Messrs. Caswell, Hooper, and Hewes, all dead; to a copy sent to "THE DEAD CASWELL," and another, sent to Doct. Williamson, probably dead, are the consecutive facts which *Mr. Jefferson states*, and on which he relies. Admit the premises, and the conclusion would be probable, though not inevitable; and a writer of much less ability, if permitted to *assume* his facts, might predicate upon them not only a very plausible, but an unanswerable argument. The very fact, however, on which Mr. Jefferson rests, as the climax of improbabilities, is not only not proved to exist, but, upon his own showing, does not exist; and justifies the remark in the outset, that his letter was written in haste, upon a very superficial and imperfect view of the subject. The paper does not appeal "TO THE DEAD CASWELL," but to the then LIVING DAVIE, a native of the section of country in which the event



occurred, like the former, a distinguished hero of the Revolution, and, in every respect, a proper depository of the record. The following is the statement in question: (See the paper A.) ("The foregoing is a true copy of the papers, on the above subject, left in my hands by John McKnitt Alexander, dec'd. I find it mentioned on file, that the original book was burned April, 1800. That a copy of the proceedings was sent to \*Hugh Williamson, in New York, then writing a history of North Carolina, and that a copy was sent to Gen. W. R. DAVIE.") Gen. *Davie* died shortly after the date of Mr. Jefferson's letter; but this identical copy, known by the writer of these remarks to be in the hand-writing of John McKnitt Alexander, one of the Secretaries of the Mecklenburg meeting, is now in the Executive Office of this State. (See Doct. Henderson's certificate, B.) *Caswell*, *Hooper*, and *Hewes* are all dead; but Capt. Jack, who was appointed to carry to them, at Philadelphia, this Mecklenburg Declaration, lived long enough to bear testimony to the truth; and his statement (C) is circumstantial, explicit and satisfactory. If it needed confirmation, it would be found to be fully sustained by the interesting communication (D) of the late Rev. Francis Cummins, D.D., of Georgia, to the Hon. Nathaniel Macon. More

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\* This copy the writer well recollects to have seen in the possession of Doct. Williamson, in the year 1793, in Fayetteville, together with a letter to him from John McKnitt Alexander, and to have conversed with him on the subject. Why it is not mentioned in his History, is not strange to any one who *knows the State*, and has *read the book*. It cannot be regarded as a *history* of any country. The memorable *Report and Resolutions* of the Congress of April, 1776, are alike unnoticed. A correct and satisfactory account of both proceedings will be found in the last chapter of Martin's History of North Carolina.

satisfactory evidence, drawn from more respectable sources, Mr. Jefferson, if alive, could not, and would not require. It is not hazarding too much to say, that there is no one event of the Revolution which has been, or can be more fully or clearly authenticated.

It is, perhaps, needless to multiply proofs, or to extend this article. Col. William Polk is a resident of this city, a venerable remnant of the Revolutionary stock, has passed the common boundary of human life, and in a green old age, is in the full possession of his faculties. His compatriots, Caswell, and Hooper, and Hewes, *are dead, but he lives*, was present, heard his father proclaim the Declaration to the assembled multitude; and need it be inquired, in any portion of this Union, if *he* will be believed?

The letter (E) of Gen. Joseph Graham, another surviving officer of the Revolution, a citizen and a soldier worthy of the best days of the Republic, will be read with pleasure and perfect confidence throughout the wide range of his acquaintance.

The extract from the memoir of the late Rev. Humphrey Hunter (F), of Lincoln, is equally explicit, full and satisfactory. He, with several other respectable gentlemen, whose statements are appended, was an eyewitness of what he relates; and the combined testimony of all these individuals prove the existence of the Mecklenburg Declaration, and all the circumstances connected with it, as fully and clearly as any fact can be shown by human testimony.

The following extract from "The Journal of the Provincial Congress of North Carolina, held at Halifax, on the 4th April, 1776" (pp. 11, 12), shows that the first *legislative recommendation* of a DECLARATION OF INDE-

PENDENCE by the CONTINENTAL CONGRESS, originated likewise in the State of North Carolina. It is worthy of remark, that *John McKnitt Alexander*, the Secretary of the meeting, *Waightstill Avery*, *John Pfifer* and *Robert Irwin*, who were conspicuous actors in the proceedings in Mecklenburg, were active and influential members of this Provincial Congress.

“The select committee to take into consideration the usurpations and violences attempted and committed by the King and Parliament of Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this Province, reported as follows, to wit:

“It appears to your committee, that pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled; and disregarding their humble petitions of peace, liberty, and safety, have made divers legislative acts, denouncing war, famine, and every species of calamity, against the Continent in general. The British fleets and armies have been, and still are daily employed in destroying the people, and committing the most horrid devastations on the country. That Governors in different Colonies have declared protection to slaves who should imbrue their hands in the blood of their masters. That the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress.

“And whereas the moderation hitherto manifested by the United Colonies, and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto tried, your committee are of opinion that the House should enter into the following resolve, to wit:

“*Resolved*, That the DELEGATES FOR THIS COLONY IN THE CONTINENTAL CONGRESS BE IMPOWERED TO CONCUR WITH THE DELEGATES OF THE OTHER COLONIES IN DECLARING INDEPENDENCY, AND FORMING FOREIGN ALLIANCES, reserving to this Colony the sole and exclusive right of forming a Constitution and laws for this Colony, and of appointing Delegates from time to time, (under the direction of a general representation thereof), to meet the Delegates of the other Colonies, for such purposes as shall be hereafter pointed out.

“The Congress taking the same into consideration, *unanimously* concurred therewith.”

The striking similarity of expression in the concluding sentences of the Mecklenburg Declaration, and the Declaration by Congress on the 4th of July, 1776, has been repeatedly urged and relied upon as disproving the authenticity of the former. It is scarcely necessary to reply to this suggestion. It is not very strange that men who think alike should speak alike upon the same subject, more especially when high-toned patriotic feeling seeks for utterance. This similarity of expression is not confined, however, to these two papers. A comparison of the foregoing resolutions with the Declaration, as drawn by Mr. Jefferson, will satisfy the

most credulous upon this subject. Who suspects Mr. Jefferson of intentional plagiarism? and yet he might be charged with having appropriated the language of the Provincial Legislature, with at least as much propriety as Mr. Alexander with having *forged* the Mecklenburg Declaration. The sentiments embodied by Mr. Jefferson were not peculiar to himself, but adopted by him as expressive of the common feeling in the common language of that eventful period.

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## REPORT AND RESOLUTIONS,

ADOPTED BY THE GENERAL ASSEMBLY AT THE SESSION  
OF 1830-31, UPON WHICH THIS PUBLICATION IS  
PREDICATED.

THE committee to whom it was referred to examine, collate and arrange in proper order such parts of the Journals of the Provincial Assemblies of North Carolina, as relate to the Declaration of American Independence; also such documents as relate to the Declaration of Independence made by the patriotic men of Mecklenburg in May, 1775; and also such measures as relate to the same cause, adopted by the freemen of Cumberland county, previous to the 4th of July, 1776, in order to the publication and distribution of such documents, having performed the duty assigned them, respectfully report:

That upon an attentive examination of the Journals of the Provincial Assembly of North Carolina, which met at Halifax in the month of April, 1776, the committee are of opinion, that no selection could be made

from the said Journal to answer the purpose of the House. But as everything relating to that period must be interesting to those who value the blessing of national independence, the committee recommend that the whole of the Journal be printed, and receive the same extended distribution which the resolution of the House contemplates for the proceedings in Mecklenburg and Cumberland. This course is deemed by the committee the more proper, because the Journal is now out of print, and it is highly probable that the copy in the possession of the committee is the only one now extant.

Your committee have also examined, collated, and arranged all the documents which have been accessible to them, touching the Declaration of Independence by the citizens of Mecklenburg, and the proceedings of the freemen of Cumberland.

By the publication of these papers, it will be fully verified, that as early as the month of May, 1775, a portion of the people of North Carolina, sensible that their wrongs could no longer be borne, without sacrificing both safety and honor, and that redress so often sought, so patiently waited for, and so cruelly delayed, was no longer to be expected, did, by a public and solemn act, declare the dissolution of the ties which bound them to the crown and people of Great Britain, and did establish an independent, though temporary government for their own control and direction.

The first claim of Independence evinces such high sentiments of valor and patriotism, that we cannot, and ought not, lightly to esteem the honor of having made it. The fact of the Declaration should be announced, its language should be published and perpetuated, and

the names of the gallant representatives of Mecklenburg, with whom it originated, should be preserved from an oblivion, which, should it involve them, would as much dishonor us, as injure them. If the thought of Independence did not first occur to them, to them, at least, belongs the proud distinction of having first given language to the thought; and it should be known, and, fortunately, it can still be conclusively established, that the Revolution received its first impulse towards Independence, however feeble that impulse might have been, in North Carolina. The committee are aware that this assertion has elsewhere been received with doubt, and at times met with denial; and it is, therefore, believed to be more strongly incumbent upon the House to usher to the world the Mecklenburg Declaration, accompanied with such testimonials of its genuineness, as shall silence incredulity, and with such care for its general diffusion, as shall forever secure it from being forgotten. And in recounting the causes, the origin and the progress of our Revolutionary struggle, till its final issue in acknowledged independence, whatever the brilliant achievements of other States may have been, let it never be forgotten, that at a period of darkness and oppression, without concert with others, without assurances of support from any quarter, a few gallant North Carolinians, all fear of consequences lost in a sense of their country's wrongs, relying, under Heaven, solely upon themselves, nobly dared to assert, and resolved to maintain, that independence, of which, whoever might have thought, none had then spoken; and thus earned for themselves, and for their fellow-citizens of North Carolina, the honor of giving birth to the first Declaration of Independence.

The committee respectfully recommend the adoption of the following resolutions.

All of which is submitted.

THOS. G. POLK, Chr'n,  
JOHN BRAGG,  
EVAN ALEXANDER,  
LOUIS D. HENRY,  
ALEX. M'NEILL.

*Resolved*, That his Excellency the Governor be directed to cause to be published in pamphlet form the above Report and the accompanying documents, in the manner and order following, viz. : After the Report, first, the Mecklenburg Declaration, with the names of the Delegates composing the meeting ; second, the Certificates, testifying to the circumstances attending the Declaration ; third, the proceedings of the Cumberland Association. And that he be further directed to have reprinted, in like manner, separate and distinct from the above, the accompanying Journal of the Provincial Assembly, held at Halifax in 1776.

*Resolved further*, That after publication, the Governor be instructed to distribute said documents as follows, to wit: Twenty copies of each to the Library of the State ; to each of the Libraries at the University, ten copies ; to the Library of the Congress of the United States, ten copies ; and one copy to each of the Executives of the several States of the Union.



## DECLARATION OF INDEPENDENCE.

*May 20, 1775.*

## NAMES OF THE DELEGATES PRESENT.

|                    |                         |
|--------------------|-------------------------|
| COL. THOMAS POLK,  | JNO. M'KNITT ALEXANDER, |
| EPHRAIM BREVARD,   | HEZEKIAH ALEXANDER,     |
| HEZEKIAH J. BALCH, | ADAM ALEXANDER,         |
| JOHN PHIFER,       | CHARLES ALEXANDER,      |
| JAMES HARRIS,      | ZACHEUS WILSON, Sen.,   |
| WILLIAM KENNON,    | WAIGHTSTILL AVERY,      |
| JOHN FORD,         | BENJAMIN PATTON,        |
| RICHARD BARRY,     | MATTHEW M'CLURE,        |
| HENRY DOWNS,       | NEIL MORRISON,          |
| EZRA ALEXANDER,    | ROBERT IRWIN,           |
| WILLIAM GRAHAM,    | JOHN FLENNIKEN,         |
| JOHN QUEARY,       | DAVID REESE,            |
| ABRAHAM ALEXANDER, | RICHARD HARRIS, Sen.    |

ABRAHAM ALEXANDER, was appointed Chairman, and JOHN M'KNITT ALEXANDER, Clerk. The following resolutions were offered, viz.:

1st. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

2d. *Resolved*, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association,

with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

3d. *Resolved*, That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4th. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

5th. *Resolved*, That it is further decreed, that all, each and every military officer in this county, is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz., a Justice of the Peace, in the character of a "*Committee-man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union and harmony in said county;—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

After discussing the foregoing resolves, and arranging bye-laws and regulations for the government of a Stand-

ing Committee of Public Safety, who were selected from these delegates, the whole proceedings were unanimously adopted and signed. A select committee was then appointed to draw a more full and definite statement of grievances, and a more formal Declaration of Independence. The Delegation then adjourned about 2 o'clock, A.M., May 20.

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## A.

FROM THE RALEIGH REGISTER OF APRIL 30, 1819.

It is not, probably, known to many of our readers, that the citizens of Mecklenburg county, in this State, made a Declaration of Independence more than a year before Congress made theirs. The following document on the subject has lately come to the hands of the Editor from unquestionable authority, and is published that it may go down to posterity.

NORTH CAROLINA, MECKLENBURG COUNTY, }  
May 20, 1775. }

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandizement, and scorning to shelter themselves from the impending storm by submission to lawless power, etc., etc., held several detached meetings, in each of which the individual sentiments were, "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the impositions which an unprincipled, and

to them an unrepresented, Parliament might impose—or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity.” Conformably to these principles, Colonel T. Polk, through solicitation, issued an order to each Captain’s company in the county of Mecklenburg, (then comprising the present county of Cabarrus,) directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inalienable rights, privileges and liberties, from the dominant grasp of British imposition and tyranny.

In conformity to said order, on the 19th of May, 1775, the said delegation met in Charlotte, vested with unlimited powers; at which time official news, by express, arrived of the battle of Lexington on that day of the preceding month. Every delegate felt the value and importance of the prize, and the awful and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy, and insatiable revenge, developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues, or resolves; that popular vapour will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy, as brethren leagued to preserve our property—our lives—and what is still more endearing, the liberties of America. *Abraham Alexander* was then elected Chairman, and *John M’Knitt Alexander*, Clerk. After a free and full discussion of

the various objects for which the delegation had been convened, it was unanimously ordained—

1. *Resolved*, That whoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country—to America—and to the inherent and inalienable rights of man.

2. *Resolved*, That we the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt, as a rule of life, all, each and every of our former laws, wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

5. *Resolved*, That it is also further decreed, that all,

each and every military officer in this county, is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz., a Justice of the Peace, in the character of a "*Committee-man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said county,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of by-laws were also added, merely to protect the association from confusion, and to regulate their general conduct as citizens. After sitting in the Court House all night, neither sleepy, hungry, nor fatigued, and after discussing every paragraph, they were all passed, sanctioned, and decreed, *unanimously*, about 2 o'clock, A.M., May 20. In a few days, a deputation of said delegation convened, when Capt. *James Jack*, of Charlotte, was deputed as express to the Congress at Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three representatives there, viz., *Richard Caswell*, *William Hooper* and *Joseph Hewes*—under express injunction, personally, and through the State representation, to use all possible means to have said proceedings sanctioned and approved by the General Congress. On the return of Captain Jack, the delegation learned that their proceedings were individually approved by the Members of Congress, but that it was deemed premature to lay them before the House. A

joint letter from said three Members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity, and exertion in the cause of liberty and independence, evidently resulting from these regulations and the continued exertion of said delegation, apparently tranquillized this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern and Wilmington, alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this county, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Col. James Harris's, and at Col. Phifer's, alternately, one week at each place. It was a Civil Court founded on military process. Before this Judicature, all suspicious persons were made to appear, who were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the county. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties.

[The foregoing is a true copy of the papers on the above subject, left in my hands by John McKnitt Alexander, dec'd. I find it mentioned on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson, in New York, then writing a History of North Carolina, and that a copy was sent to Gen. W. R. Davie.

J. McKNITT.]

## B.

STATE OF NORTH CAROLINA, }  
MECKLENBURG COUNTY. }

I, Samuel Henderson, do hereby certify, that the paper annexed was obtained by me from Maj. William Davie in its present situation, soon after the death of his father, Gen. William R. Davie, and given to Doct. Joseph McKnitt by me. In searching for some particular paper, I came across this, and, knowing the hand-writing of John McKnitt Alexander, took it up, and examined it. Maj. Davie said to me (when asked how it became torn) his sisters had torn it, not knowing what it was.

Given under my hand, this 25th Nov., 1830.

SAM. HENDERSON.

[NOTE.—To this certificate of Doct. Henderson is annexed the copy of the paper A, originally deposited by John McKnitt Alexander in the hands of *Gen. Davie*, whose name seems to have been mistaken by Mr. Jefferson for that of *Gov. Caswell*. See preface, pages 5 and 6. This paper is somewhat torn, but is entirely legible, and constitutes the “solemn and positive proof of authenticity” which Mr. Jefferson required, and which would doubtless have been satisfactory, had it been submitted to him.]

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C.

## CAPTAIN JACK'S CERTIFICATE.

Having seen in the newspapers some pieces respecting the Declaration of Independence by the people of Mecklenburg county, in the State of North Carolina, in May, 1775, and being solicited to state what I know of that transaction; I would observe, that for some time previous to, and at the time those resolutions were



agreed upon, I resided in the town of Charlotte, Mecklenburg county; was privy to a number of meetings of some of the most influential and leading characters of that county on the subject, before the final adoption of the resolutions—and at the time they were adopted; among those who appeared to take the lead, may be mentioned Hezekiah Alexander, who generally acted as Chairman, John McKnitt Alexander, as Secretary, Abraham Alexander, Adam Alexander, Maj. John Davidson, Maj. (afterwards Gen.) Wm. Davidson, Col. Thomas Polk, Ezekiel Polk, Dr. Ephraim Brevard, Samuel Martin, Duncan Ochletree, William Willson, Robert Irvin.

When the resolutions were finally agreed on, they were publicly proclaimed from the Court-house door in the town of Charlotte, and received with every demonstration of joy by the inhabitants.

I was then solicited to be the bearer of the proceedings to Congress. I set out the following month, say June, and in passing through Salisbury, the General Court was sitting—at the request of the court I handed a copy of the resolutions to Col. Kennon, an Attorney, and they were read aloud in open court. Major William Davidson, and Mr. Avery, an attorney, called on me at my lodgings the evening after, and observed, they had heard of but one person, (a Mr. Beard) but approved of them.

I then proceeded on to Philadelphia, and delivered the Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the Delegates to Congress from the State of North Carolina.

I am now in the eighty-eighth year of my age, residing in the county of Elbert, in the State of Georgia. I

was in the Revolutionary War, from the commencement to the close. I would further observe, that the Rev. Francis Cummins, a Presbyterian Clergyman, of Greene county, in this State, was a student in the town of Charlotte at the time of the adoption of the resolutions, and is as well, or perhaps better acquainted with the proceedings at that time, than any man now living.

Col. William Polk, of Raleigh, in North Carolina, was living with his father Thomas, in Charlotte, at the time I have been speaking of, and although then too young to be forward in the business, yet the leading circumstances I have related cannot have escaped his recollection.

JAMES JACK.

Signed this 7th Dec., 1819, in presence of

JOB WESTON, C. C. O.

JAMES OLIVER, Atto. at Law.

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C 2.

NORTH CAROLINA,        }  
*Cabarrus County, Nov. 29, 1830.* }

We, the undersigned, do hereby certify that we have frequently heard William S. Alexander, dec'd, say that he, the said Wm. S. Alexander, was at Philadelphia, on mercantile business, in the early part of the summer of 1775, say in June; and that on the day that Gen. Washington left Philadelphia to take the command of the Northern army, he, the said Wm. S. Alexander, met with Capt. James Jack, who informed him, the said William S. Alexander, that he, the said James Jack,

was there as the agent or bearer of the Declaration of Independence made in Charlotte, on the twentieth day of May, seventeen hundred and seventy-five, by the citizens of Mecklenburg, then including Cabarrus, with instructions to present the same to the Delegates from North Carolina, and by them to be laid before Congress, and which he said he had done; in which Declaration the aforesaid citizens of Mecklenburg renounced their allegiance to the crown of Great Britain, and set up a government for themselves, under the title of The Committee of Safety.

Given under our hands the date above written.

ALPHONSO ALEXANDER,  
AMOS ALEXANDER,  
J. McKNITT.

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D.

*Lexington, (Georgia,) November 10, 1819.*

DEAR SIR :—The bearer, the Hon. Thomas W. Cobb, has suggested to me that you had a desire to know something particularly of the proceedings of the citizens of Mecklenburg county, in North Carolina, about the beginning of our Revolutionary War.

Previous to my becoming more particular, I will suppose you remember the Regulation business, which took its rise in or before the year 1770, and issued and ended in a battle between the Regulators and Governor Tryon, in the spring of 1771. Some of the Regulators were killed, and the whole dispersed. The Regulators' conduct "was a *rudis indigestaque moles*," as Ovid says,

about the beginning of creation ; but the embryotic principles of the Revolution were in their temper and views. They wanted strength, consistency, a Congress and a Washington at their head. Tryon sent his officers and minions through the State, and imposed the oath of allegiance upon the people, even as far up as Mecklenburg county. In the year 1775, after our Revolution began, the principal characters of Mecklenburg county met on two sundry days, in Queen's Museum in Charlotte, to digest Articles for a State Constitution, in anticipation that the Province would proceed to do so. In this business the leading characters were, the Rev. Hezekiah James Balch, a graduate of Princeton College, an elegant scholar ; Waightstill Avery, Esq., Attorney at Law ; Hezekiah and John McKnitt Alexander, Esqrs., Col. Thomas Polk, etc., etc.

Many men, and young men, (myself one,) before magistrates, abjured allegiance to George III., or any other foreign power. At length, in the same year, 1775, I think, at least positively before July 4th, 1776, the males generally of that county met on a certain day in Charlotte, and from the head of the Court-house stairs proclaimed Independence on English Government, by their herald Col. Thomas Polk. I was present, and saw and heard it, and as a young man, and then a student in Queen's Museum, was an agent in these things. I did not then take and keep the dates, and cannot, as to date, be so particular as I could wish. Capt. James Jack, then of Charlotte, but now of Elbert county, in Georgia, was sent with the account of these proceedings to Congress, then in Philadelphia—and brought back to the county, the thanks of Congress for their zeal—and the advice of Congress to be a little

more patient, until Congress should take the measures thought to be best.

I would suppose, sir, that some minutes of these things must be found among the records of the first Congress, that would perfectly settle their dates. I am perfectly sure, being present at the whole of them, they were before our National Declaration of Independence.

Hon. Sir, if the above few things can afford you any gratification, it will add to the happiness of your friend and humble servant.

FRANCIS CUMMINS.

HON. NATHANIEL MACON.

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E.

*Vesuvius Furnace, 4th October, 1830.*

DEAR SIR,—Agreeably to your request, I will give you the details of the Mecklenburg Declaration of Independence on the 20th of May, 1775, as well as I can recollect after a lapse of fifty-five years. I was then a lad about half grown, was present on that occasion (a looker on).

During the Winter and Spring preceding that event, several popular meetings of the people were held in Charlotte; two of which I attended.—Papers were read, grievances stated, and public measures discussed. As printing was not then common in the South, the papers were mostly manuscript; one or more of which was from the pen of the Reverend Doctor Reese, (then of Mecklenburg,) which met with general approbation, and copies of it circulated. It is to be regretted that

those and other papers published at that period, and the journal of their proceedings, are lost.—They would show much of the spirit and tone of thinking which prepared them for the measures they afterwards adopted.

On the 20th of May, 1775, besides the two persons elected from each militia company, (usually called Committee-men,) a much larger number of citizens attended in Charlotte than at any former meeting—perhaps half the men in the county. The news of the battle of Lexington, the 19th of April preceding, had arrived. There appeared among the people much excitement. The committee were organized in the Court-house by appointing Abraham Alexander, Esq., Chairman, and John McKnitt Alexander, Esq., Clerk or Secretary to the meeting.

After reading a number of papers as usual, and much animated discussion, the question was taken, and they resolved to declare themselves independent. One among other reasons offered, that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown; they ought, therefore, to declare themselves out of his protection, and resolve on independence. That their proceedings might be in due form, a sub-committee, consisting of Doctor Ephraim Brevard, a Mr. Kennon, an attorney, and a third person, whom I do not recollect, were appointed to draft their Declaration. They retired from the Court-house for some time; but the committee continued in session in it. One circumstance occurred I distinctly remember: A member of the committee, who had said but little before, addressed the Chairman as follows: "If you resolve on independence, how shall we all be absolved from the obligations of

the oath we took to be true to King George the 3d about four years ago, after the Regulation battle, when we were sworn whole militia companies together. I should be glad to know how gentlemen can clear their consciences after taking that oath." This speech produced confusion. The Chairman could scarcely preserve order, so many wished to reply. There appeared great indignation and contempt at the speech of the member. Some said it was nonsense; others that allegiance and protection were reciprocal; when protection was withdrawn, allegiance ceased; that the oath was only binding while the King protected us in the enjoyment of our rights and liberties as they existed at the time it was taken; which he had not done, but now declared us out of his protection; therefore was not binding. Any man who would interpret it otherwise, was a fool. By way of illustration, (pointing to a green tree near the Court-house,) stated, if he was sworn to do any thing as long as the leaves continued on that tree, it was so long binding; but when the leaves fell, he was discharged from its obligation. This was said to be certainly applicable in the present case. Out of respect for a worthy citizen, long since deceased, and his respectable connections, I forbear to mention names; for, though he was a friend to the cause, a suspicion rested on him in the public mind for some time after.

The sub-committee appointed to draft the resolutions returned, and Doctor Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print. It was unanimously adopted, and shortly after it was moved and seconded to have proclamation made and the people collected, that the proceedings be read at the Court-

house door, in order that all might hear them. It was done, and they were received with enthusiasm. It was then proposed by some one aloud to give three cheers and throw up their hats. It was immediately adopted, and the hats thrown. Several of them lit on the Court-house roof. The owners had some difficulty to reclaim them.

The foregoing is all from personal knowledge. I understood afterwards that Captain James Jack, then of Charlotte, undertook, on the request of the committee, to carry a copy of their proceedings to Congress, which then sat in Philadelphia; and on his way, at Salisbury, the time of court, Mr. Kennon, who was one of the committee who assisted in drawing the Declaration, prevailed on Captain Jack to get his papers, and have them read publicly; which was done, and the proceedings met with general approbation. But two of the Lawyers, John Dunn and a Mr. Booth, dissented, and asserted they were treasonable, and endeavored to have Captain Jack detained. He drew his pistols, and threatened to kill the first man who would interrupt him, and passed on. The news of this reached Charlotte in a short time after, and the executive of the committee, whom they had invested with suitable powers, ordered a party of ten or twelve armed horsemen to bring said Lawyers from Salisbury; when they were brought, and the case investigated before the committee. Dunn, on giving security and making fair promises, was permitted to return, and Booth was sentenced to go to Camden, in South Carolina, out of the sphere of his influence. My brother George Graham and the late Col. John Carruth were of the party that went to Salisbury; and it is distinctly remembered that when in Charlotte they came



home at night, in order to provide for their trip to Camden; and that they and two others of the party took Booth to that place. This was the first military expedition from Mecklenburg in the Revolutionary war, and believed to be the first any where to the South.

Yours respectfully,

J. GRAHAM.

Dr. Jos. M'KT. ALEXANDER,  
Mecklenburg, N. Carolina.

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F.

EXTRACT FROM THE MEMOIR OF THE LATE REV. HUMPHREY HUNTER.

Orders were presently issued by Col. Thos. Polk to the several militia companies, that two men, selected from each corps, should meet at the Court-house on the 19th of May, 1775, in order to consult with each other upon such measures as might be thought best to be pursued. Accordingly, on said day a far larger number than two out of each company were present. There was some difficulty in choosing the commissioners. To have chosen all thought to be worthy, would have rendered the meeting too numerous. The following were selected, and styled Delegates, and are here given, according to my best recollection, as they were placed on roll: Abram Alexander, sen'r, Thomas Polk, Rich'd Harris, sen'r, Adam Alexander, Richard Barry, John McKnit Alexander, Neil Morison, Hezekiah Alexander, Hezekiah J. Balch, Zacheus Wilson, John Phifer, James Harris, William Kennon, John Ford, Henry Downs, Ezra Alexander, William Graham, John Queary, Ohas. Alexander, Waightstill Avery, Ephraim Brevard,

Benjamin Patton, Matthew McClure, Robert Irwin, John Flenniken, and David Reese.

Abram Alexander was nominated, and unanimously voted to the Chair. John McKnit Alexander and Ephraim Brevard were chosen Secretaries. The Chair being occupied, and the Clerks seated, the House was called to order and proceeded to business. Then a full, a free, and dispassionate discussion obtained on the various subjects for which the delegation had been convened, and the following resolutions were unanimously ordained:

1st. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

2d. *Resolved*, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

3d. *Resolved*, That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4th. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the crown of Great Britain never can be considered as holding rights, privileges, immunities or authority therein.

5th. *Resolved*, That it is further decreed, that all, each and every military officer in this county, is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz., a Justice of the Peace, in the character of a "*Committee-man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union and harmony in said county;—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

Those resolves having been concurred in, bye-laws and regulations for the government of a standing Committee of Public Safety were enacted and acknowledged. Then a select committee was appointed, to report on the ensuing day a full and definite statement of grievances, together with a more correct and formal draft of the Declaration of Independence. The proceedings having been thus arranged and somewhat in readiness for promulgation, the Delegation then adjourned until to-morrow, at 12 o'clock.

The 20th of May, at 12 o'clock, the Delegation, as above, had convened. The select committee were also present, and reported agreeably to instructions, viz.

a statement of grievances and formal draft of the Declaration of Independence, written by Ephraim Brevard, chairman of said committee, and read by him to the Delegation. The resolves, bye-laws and regulations were read by John McKnitt Alexander. It was then announced from the Chair, are you all agreed? There was not a dissenting voice. Finally, the whole proceedings were read distinctly and audibly, at the Court-house door, by Col. Thomas Polk, to a large, respectable and approving assemblage of citizens, who were present, and gave sanction to the business of the day. A copy of all those transactions were then drawn off, and given in charge to Capt. James Jack, then of Charlotte, that he should present them to Congress, then in session in Philadelphia.

On that memorable day, I was 20 years and 14 days of age, a very deeply interested spectator, recollecting the dire hand of oppression that had driven me from my native clime, now pursuing me in this happy asylum, and seeking to bind again in the fetters of bondage.

On the return of Capt. Jack, he reported that Congress, individually, manifested their entire approbation of the conduct of the Mecklenburg citizens; but deemed it premature to lay them officially before the House.

NOTE.—The foregoing extract is copied from a manuscript account of the Revolutionary War in the South, addressed by the writer to a friend, who had requested historical information upon the subject. Mr. Hunter was in the battle of Camden, and has given an interesting narrative of the circumstances connected with the death of Baron DeKalb. The manuscript gives the biography of the writer, from which it appears he was a native

of Ireland, and born on the 14th of May, 1755, and at an early age emigrated from his native land to the Province of North Carolina.

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## ADDITIONAL PAPERS, NOT PARTICULARLY REFERRED TO IN THE PREFACE.

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From the Raleigh Register, of February 18, 1820.

### MECKLENBURG DECLARATION OF INDEPENDENCE.

When this Declaration was first published in April last, some doubts were expressed in the Eastern papers as to its authenticity, (none of the Histories of the Revolution having noticed the circumstance.) Col. William Polk, of this City, (who, though a mere youth at the time, was present at the meeting which made the Declaration, and whose Father, being Colonel of the county, appears to have acted a conspicuous part on the occasion,) observing this, assured us of the correctness of the facts generally, though he thought there were errors as to the name of the Secretary, etc., and said that he should probably be able to correct these, and throw some further light on the subject, by inquiries amongst some of his old friends in Mecklenburg county. He has accordingly made inquiries, and communicated to us the following Documents as the result, which, we presume, will do away all doubts on the subject.

## CERTIFICATE.

STATE OF NORTH CAROLINA, }  
MECKLENBURG COUNTY. }

At the request of Col. William Polk, of Raleigh, made to Major-General George Graham, soliciting him to procure all the information that could be obtained at this late period, of the transactions which took place in the county of Mecklenburg, in the year 1775, as it respected the people of that county having declared Independence; of the time when the Declaration was made; who were the principal movers and leaders, and the members who composed the body of Patriots who made the Declaration, and signed the same.

We, the undersigned citizens of the said county, and of the several ages set forth opposite to each of our names, do certify, and on our honor declare, that we were present in the town of Charlotte, in the said county of Mecklenburg, on the 19th day of May, 1775, when two persons elected from each Captain's Company in said county, appeared as Delegates, to take into consideration the state of the country, and to adopt such measures as to them seemed best, to secure their lives, liberty, and property, from the storm which was gathering, and had burst upon their fellow-citizens to the Eastward, by a British Army, under the authority of the British King and Parliament.

The order for the election of Delegates was given by Col. Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed.

We do further certify and declare, that to the best of

our recollection and belief, the delegation was complete from every company, and that the meeting took place in the Court-house, about 12 o'clock on the said 19th day of May, 1775, when *Abraham Alexander* was chosen Chairman, and Dr. *Ephraim Brevard* Secretary. That the Delegates continued in session until in the night of that day; that on the 20th they again met, when a committee, under the direction of the Delegates, had formed several resolves, which were read, and which went to declare themselves, and the people of Mecklenburg county, Free and Independent of the King and Parliament of Great Britain—and that, from that day thenceforth, all allegiance and political relation was absolved between the good people of Mecklenburg and the King of Great Britain; which Declaration was signed by every member of the Delegation, under the shouts and huzzas of a very large assembly of the people of the county, who had come to know the issue of the meeting. We further believe, that the Declaration of Independence was drawn up by the Secretary, Dr. Ephraim Brevard, and that it was conceived and brought about through the instrumentality and popularity of Col. Thomas Polk, Abraham Alexander, John McKnit Alexander, Adam Alexander, Ephraim Brevard, John Phifer, and Hezekiah Alexander, with some others.

We do further certify and declare, that in a few days after the Delegates adjourned, Captain James Jack, of the town of Charlotte, was engaged to carry the resolves to the President of Congress, and to our Representatives—one copy for each; and that his expenses were paid by a voluntary subscription. And we do know that Capt. Jack executed the trust, and returned with answers, both from the President and our Delegates in Congress,

expressive of their entire approbation of the course that had been adopted, recommending a continuance in the same; and that the time would soon be, when the whole Continent would follow our example.

We further certify and declare, that the measures which were adopted at the time before mentioned, had a general influence on the people of this county to unite them in the cause of liberty and the country, at that time; that the same unanimity and patriotism continued unimpaired to the close of the war; and that the resolutions had considerable effect in harmonizing the people in two or three adjoining counties.

That a committee of Safety for the county were elected, who were clothed with civil and military power, and under their authority several disaffected persons in Rowan, and Tryon (now Lincoln county,) were sent for, examined, and conveyed (after it was satisfactorily proven they were inimical) to Camden, in South Carolina, for safe-keeping.

We do further certify, that the acts passed by the committee of Safety, were received as the Civil Law of the land in many cases, and that Courts of Justice for the decision of controversies between the people were held, and we have no recollection that dissatisfaction existed in any instance with regard to the judgments of said courts.

We are not, at this late period, able to give the names of all the Delegation who formed the Declaration of Independence; but can safely declare as to the following persons being of the number, viz.: Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, Hezekiah James Balsh, Benjamin Patton, Hezekiah Alexander,



Richard Barry, William Graham, Matthew M'Clure, Robert Irwin, Zachias Wilson, Neil Morrison, John Flenniken, John Queary, Ezra Alexander.

In testimony of all and every part herein set forth, we have hereunto set our hands.

GEO. GRAHAM, aged 61, near 62.

WM. HUTCHISON, 68.

JONAS CLARK, 61.

ROB'T ROBINSON, 68.

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FROM JOHN SIMESON TO COL. WILLIAM POLK.

*" Providence, January 20, 1820.*

"DEAR SIR,—After considerable delay, occasioned partly to obtain what information I could, in addition to my own knowledge of the facts in relation to our Declaration of Independence, and partly by a precarious, feeble old age, I now write to you in answer to yours of the 24th ult.

"I have conversed with many of my old friends and others, and all agree in the point, but few can state the particulars; for although our county is renowned for general intelligence, we have still some that don't read the public prints. You know, in the language of the day, every Province had its Congress, and Mecklenburg had its county Congress, as legally chosen as any other, and assumed an attitude until then without a precedent; but, alas! those worthies who conceived and executed that bold measure, are no more; and one reason why so little new light can be thrown on an old truth, may be this—and I appeal to yourself for the correctness of the remark—we who are now called Revolution-

ary men, were then thoughtless, precipitate youths; we cared not who conceived the bold act, our business was to adopt and support it. Yourself, sir, in your eighteenth year and on the spot, your worthy father, the most popular and influential character in the county, and yet you cannot state much from recollection. Your father, as commanding officer of the county, issued orders to the Captains to appoint two men from each company to represent them in the committee.—It was done. Neill Morrison, John Flennikin, from this company; Charles Alexander, John McKnitt Alexander, Hezekiah Alexander, Abraham Alexander, Esq., John Phifer, David Reese, Adam Alexander, Dickey Barry, John Queary, with others, whose names I cannot obtain. As to the names of those who drew up the Declaration, I am inclined to think Doctor Brevard was the principal, from his known talents in composition. It was, however, in substance and form, like that great national act agreed on thirteen months after. Ours was towards the close of May, 1775. In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use.—Thomas Polk, John Phifer, and Joseph Kennedy. I was under arms near the head of the line, near Col. Polk, and heard him distinctly read a long string of Grievances, the Declaration and Military Order above. I likewise heard Col. Polk have two warm disputes with two men of the county, who said the measures were rash and unnecessary. He was applauded and they silenced. I was then in my 22d year, an enemy to usurpation and tyranny of every kind, with a retentive memory, and fond of liberty, that had a doubt arisen in my mind that the act would be controverted, proof

would not have been wanting ; but I comfort myself that none but the self-important peace-party and blue-lights of the East, will have the assurance to oppose it any further. The biographer of Patrick Henry (Mr. Wirt) says he first suggested Independence in the Virginia Convention ; but it is known they did not reduce it to action—so that it will pass for nothing. The Courts likewise acted independently. I myself heard a dispute take place on the bench, and an acting magistrate was actually taken and sent to prison by an order of the Chairman.

“Thus, sir, have I thrown together all that I can at this time. I am too blind to write fair, and too old to write much sense—but if my deposition before the Supreme Court of the United States would add more weight to a truth so well known here, it should be at the service of my fellow-citizens of the county and State generally.

“I am, sir, your friend and humble servant,

“JOHN SIMESON, Sen.

“P.S.—I will give you a short anecdote. An aged man near me, on being asked if he knew anything of this affair, replied, ‘*Och, aye, TAM POLK declared Independence long before any body else.*’ This old man is 81.”

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CERTIFICATE OF ISAAC ALEXANDER.

I hereby certify that I was present in Charlotte on the 19th and 20th days of May, 1775, when a regular deputation from all the Captains’ companies of militia in the county of Mecklenburg, to wit: Col. Thomas Polk,

Adam Alexander, Lieut. Col. Abram Alexander, John McKnitt Alexander, Hezekiah Alexander, Ephraim Brevard, and a number of others, who met to consult and take measures for the peace and tranquillity of the citizens of said county, and who appointed Abraham Alexander their Chairman, and Doctor Ephraim Brevard Secretary; who, after due consultation, declared themselves absolved from their allegiance to the King of Great Britain, and drew up a Declaration of their Independence, which was unanimously adopted; and employed Capt. James Jack to carry copies thereof to Congress, who accordingly went. These are a part of the transactions that took place at that time, as far as my recollection serves me.

ISAAC ALEXANDER.

*October 8, 1830.*

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CERTIFICATE OF SAM'L WILSON.

STATE OF NORTH CAROLINA, }  
MECKLENBURG COUNTY. }

I do hereby certify, that in May, 1775, a committee or delegation from the different militia companies in this county met in Charlotte; and after consulting together, they publicly declared their independence on Great Britain, and on her Government. This was done before a large collection of people, who highly approved of it. I was then and there present, and heard it read from the Court House door. Certified by me,

SAM'L WILSON.

## CERTIFICATE OF JOHN DAVIDSON.

*Beaver Dam, October 5, 1830.*

DEAR SIR:—I received your note of the 25th of last month, requiring information relative to the Mecklenburg Declaration of Independence. As I am, perhaps, the only person living, who was a member of that Convention, and being far advanced in years, and not having my mind frequently directed to that circumstance for some years, I can give you but a very succinct history of that transaction. There were two men chosen from each captain's company, to meet in Charlotte, to take the subject into consideration. John McKnitt Alexander and myself were chosen from one company; and many other members were there that I now recollect, whose names I deem unnecessary to mention. When the members met, and were perfectly organized for business, a motion was made to declare ourselves independent of the Crown of Great Britain, which was carried by a large majority. Dr. Ephraim Brevard was then appointed to give us a sketch of the Declaration of Independence, which he did. James Jack was appointed to take it on to the American Congress, then sitting in Philadelphia, with particular instructions to deliver it to the North Carolina Delegation in Congress, (Hooper and Caswell.) When Jack returned, he stated that the Declaration was presented to Congress, and the reply was, that they highly esteemed the patriotism of the citizens of Mecklenburg; but they thought the measure too premature.

I am confident that the Declaration of Independence by the people of Mecklenburg was made public at least

twelve months before that of the Congress of the United States.

I do certify that the foregoing statement, relative to the Mecklenburg Independence is correct, and which I am willing to be qualified to, should it be required.

Yours respectfully,

JOHN DAVIDSON.

Doct. J. M. ALEXANDER.

NOTE.—The following is a copy of an original paper furnished by the writer of the foregoing certificate, from which it would seem, that, from the period of the Mecklenburg Declaration, every individual friendly to the American cause was furnished by the *Chairman of that meeting*, ABRAM ALEXANDER, with testimonials of the character he had assumed ; and in this point of view the paper affords strong collateral testimony of the correctness of many of the foregoing certificates.

NORTH CAROLINA, MECKLENBURG COUNTY, }  
November 28, 1775. }

These may certify to all whom they may concern, that the bearer hereof, William Henderson, is allowed here to be a true friend to liberty, and signed the Association.

Certified by

ABR'M ALEXANDER, *Chairman*  
*of the Committee of P. S.*

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LETTER FROM J. G. M. RAMSEY.

*Mecklenburg, T. Oct. 1, 1830.*

DEAR SIR:—Yours of 21st ultimo was duly received. In answer I have only to say, that little is in my possession on the subject alluded to which you have

not already seen. Subjoined are the certificates of two gentlemen of this county, whose respectability and veracity are attested by their acquaintances here, as well as by the accompanying testimonials of the magistrates in whose neighborhood they reside. With this you will also receive extracts from letters on the same subject from gentlemen well known to you, and to the country at large.

I am, very respectfully, yours, &c.,

J. G. M. RAMSEY.

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CERTIFICATE OF JAMES JOHNSON.

I, James Johnson, now of Knox county, Tennessee, but formerly of Mecklenburg county, North Carolina, do hereby certify, that to the best of my recollection, in the month of May, 1775, there were several meetings in Charlotte concerning the impending war. Being young, I was not called on to take an active part in the same; but one thing I do positively remember, that she (Mecklenburg county) did meet and hold a Convention, declared independence, and sent a man to Philadelphia with the proceedings. And I do further certify, that I am well acquainted with several of the men who formed or constituted said Convention, viz. John McKnitt Alexander, Hezekiah Alexander, Abraham Alexander, Adam Alexander, Robert Irwin, Neill Morrison, John Flenniken, John Queary.

Certified by me this 11th day of October, 1827.

JAMES JOHNSON,

In my seventy-third year.

## CERTIFICATE OF ELIJAH JOHNSON AND JAMES WILHITE.

We, Elijah Johnson and James Wilhite, acting Justices of the Peace for the county of Knox, do certify, that we have been a long time well acquainted with Samuel Montgomery and James Johnson, both residents of Knox county; and that they are entitled to full credit, and any statement they may make to implicit confidence.

Given under our hands and seals this 4th day of October, 1830.

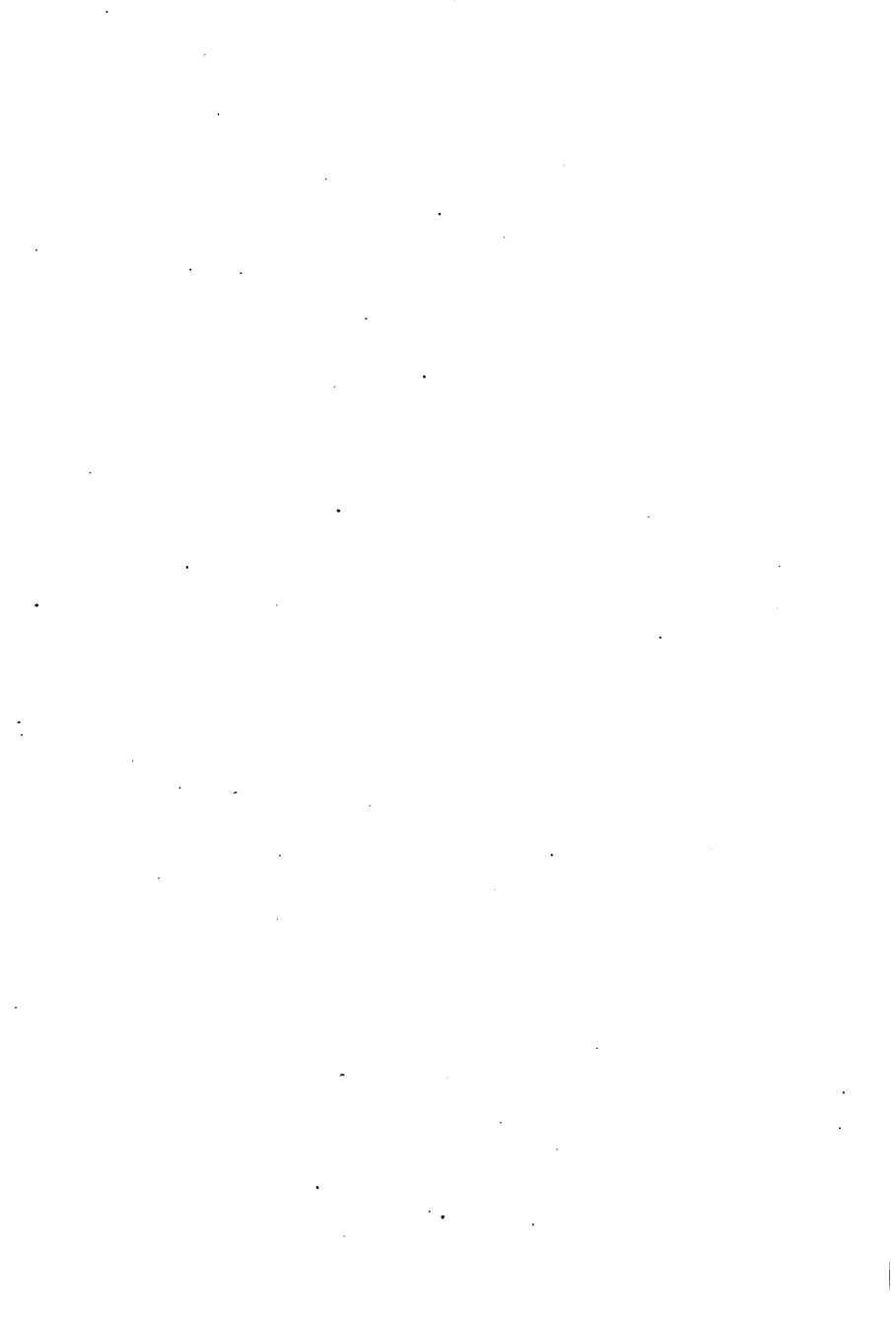
ELIJAH JOHNSON, (Seal.)

JAMES WILHITE, (Seal.)

Justices of the Peace for Knox county.

NOTE.—Mr. Montgomery's certificate does not purport to state the facts as having come under his own personal observation. It is therefore omitted in this publication.





**AUTOGRAPHS**  
**OF THE**  
**SIGNERS OF THE MECKLENBURG DECLARATION.**

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*Alfred Alexander - Eph Brainerd*  
*Thos. Polk Adam Alexander*  
*David Beebe J. H. Alexander*  
*Herz Alexander John Pyffer*  
*Robt. Jones*  
*Wm. Kennon*  
*Richard Barry*  
*Benjamin Patton John Good*  
*John Davidson Dr. William Graham*  
*Johns. Lemmick Knightstill Avery*  
*Charles Alexander*  
*Henry Dorris - Robt. Harris*  
*Ezra Alexander Will. Morrison*  
*James Harris*



## THE CELEBRATION OF THE 100TH ANNIVERSARY OF THE MECKLENBURG DECLARATION.

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### *The 20th May Celebration, 1875.*

The following were the Committees appointed by a citizens' meeting held at Charlotte, N. C., to make arrangements for the 20th of May celebration, 1875 :

*General Executive Committee.*—S. B. Alexander, Thos. W. Dewey, Wm. Johnston, C. Dowd, J. C. Burroughs, Thos. J. Moore, Robt. I. McDowell, S. Wittkowsky, R. Y. McAden and John E. Brown. Dr. Joseph Graham was added to the Committee as chairman thereof.

*Committee on Orators.*—Gov. Z. B. Vance, Hon. W. M. Shipp and Gen. D. H. Hill.

*Committee on Subscription.*—Gen. J. A. Young, chairman ; Chas. R. Jones, D. G. Maxwell, A. Macaulay, S. P. Smith, Jno. W. Wadsworth and F. A. McNinch.

*Committee on Finance.*—Jos. H. Wilson, chairman ; Gen. R. Barringer and John L. Brown.

*Committee on the Press.*—W. J. Yates, chairman ; W. F. Avery and C. R. Jones.

*Committee on Fire and Military Companies.*—J. H. Orr, chairman ; F. A. McNinch, N. C. Harry and D. M. Rigler.

*Committee on Artillery and Fire Works.*—Col. Thos. H. Brem, Sr., chairman ; John Wilkes, T. L. Seigle, F. H. Dewey, Thos. H. Allen and P. Ludwig.

*Committee to Canvass the County.*—Col. H. C. Jones, chairman; R. A. Springs, Jas. F. Johnston, E. C. Davidson, T. L. Vail, Col. W. R. Myers, Wm. Johnston, R. Barringer, C. Dowd and J. A. Young.

*Commissary Committee.*—Jas. F. Johnston, chairman; R. M. Miller, D. M. Rigler, Josiah Asbury, Jas. F. Davidson, Thos. Grier, Robt. E. Cochrane, L. W. Sanders, J. S. M. Davidson, Chas. W. Alexander, Capt. S. Roessler, P. S. Whisnant, Walter Brem, Frank Wilson, A. R. Nisbet and D. W. Oates.

*Reception Committee.*—J. Y. Bryce, chairman; J. M. Miller, J. L. Morehead, W. H. H. Gregory, R. D. Graham, Geo. E. Wilson, W. W. Phifer, W. H. Bailey, Gen. Prince, S. A. Cohen and A. B. Davidson.

#### AUXILIARY TOWNSHIP COMMITTEES.

*Mallard Creek.*—Wm. D. Alexander, J. H. Cheshire and J. R. DeArmond.

*Lemley's.*—Dr. J. M. Wilson, Dr. Brevard Alexander and W. B. Withers.

*Deweese.*—H. P. Helper, W. P. Williams and Rev. Chas. Phillips, D.D.

*Long Creek.*—R. D. Whitley, J. Springs Davidson and Dr. E. A. Sample.

*Paw Creek.*—Wm. Todd, H. J. Rhyne, and Jas. Beattie.

*Berryhill.*—R. D. Collins, B. F. Brown and T. B. Price.

*Steel Creek.*—Gen. W. H. Neal, Dr. J. M. Strong and S. Watson Reid.

*Pineville.*—J. A. Younts, J. W. Morrow and J. R. Kirkpatrick.

*Providence.*—H. M. Parks, E. C. Grier and Henry Bryant.

*Ulear Creek.*—Eli Hinson, D. W. Flow and Robt. Henderson.

*Morning Star.*—J. H. Irwin, J. W. Hood and D. E. Hooks.

*Sharon.*—I. N. Alexander, Dr. C. L. Hutchison and R. B. Hunter.

*Crab Orchard.*—J. R. Baker, E. P. Cochrane and Wm. McCombs.

*Charlotte.*—B. H. Moore, J. P. Alexander and Dr. W. J. Hayes.



